

JAN 18 2023

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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The Legislature finds that, in an effort to  
3 address the problem of illegal fireworks, the legislature passed  
4 Act 170, Session Laws of Hawaii 2010, which established the  
5 illegal fireworks task force to develop strategies and make  
6 recommendations to address the illegal importation and use of  
7 fireworks in the State. Among other things, the task force  
8 recommended increasing random inspections for illegal fireworks  
9 by expanding inspection authority and focusing cargo inspections  
10 to make the inspections more manageable.

11 Subsequently, pursuant to Act 184, Session Laws of Hawaii  
12 2019, the legislative reference bureau updated the findings and  
13 recommendations of the *Report of the Illegal Fireworks Task*  
14 *Force to the Legislature for the Regular Session of 2011*. The  
15 2019 legislative reference bureau report, *Blast from the Past:*  
16 *An Update to the Report of the Illegal Fireworks Task Force to*  
17 *the Legislature for the Regular Session of 2011*, indicated that



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1 the "majority of respondents to the [Legislative Reference]  
2 Bureau's Survey appeared to agree that the issues and challenges  
3 presented by the Task Force in its 2011 report remain relevant  
4 today."

5 The legislature understands this is a complex issue that  
6 will require collaboration from many people and agencies. The  
7 intent of this Act is not to attempt to change or diminish the  
8 job duties of department of transportation employees who  
9 currently have inspection responsibilities, nor is it attempting  
10 to interfere with existing collective bargaining agreements.  
11 The legislature finds it is important to safeguard the health  
12 and safety of those in Hawai'i. The use of illegal fireworks  
13 often leads to serious, permanent bodily injury, death, and  
14 causes stress and anxiety for those living with post-traumatic  
15 stress disorder.

16 The purpose of this Act is to address the illegal  
17 importation and use of fireworks in the State by:

- 18 (1) Establishing a shipping container inspection program  
19 to randomly inspect shipping containers arriving in  
20 the State for illegal fireworks and explosives,



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1 including the use of explosive-sniffing dogs to  
2 inspect the containers; and

3 (2) Appropriating funds to the department of public safety  
4 for the effective detection, safe storage, and  
5 disposal of illegal fireworks.

6 SECTION 2. Chapter 266, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§266- Shipping container inspection program. (a) The  
10 department of public safety, in collaboration with the  
11 department of transportation, and any other state or federal  
12 agencies, including any of the United States armed services, and  
13 private organizations involved with shipping cargo into the  
14 State, shall develop and implement a program to randomly inspect  
15 shipping containers arriving in the State for illegal fireworks  
16 and explosives being brought into the State. The program shall  
17 begin no later than October 1, 2023.

18 (b) The shipping container inspection program shall:

19 (1) Include the use of explosive-sniffing dogs to inspect  
20 incoming shipping containers to the greatest extent  
21 reasonable at a designated secure site, and if



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1 logistically necessary, located away from a commercial  
2 harbor;

3 (2) Prioritize resources toward high-risk containers over  
4 low-risk containers. For purposes of this paragraph,  
5 "low-risk container" means shipping containers  
6 containing goods to be delivered to the military,  
7 state or county agencies, and businesses registered to  
8 do business in the State that are determined to be in  
9 good standing by the department of commerce and  
10 consumer affairs;

11 (3) Inspect all shipping containers containing legal  
12 fireworks using personnel who are able to distinguish  
13 legal fireworks from illegal fireworks at a designated  
14 secure site and, if logistically necessary, located  
15 away from a commercial harbor; and

16 (4) Balance safety concerns with commercial interests to  
17 avoid increases in consumer costs.

18 (c) The department of public safety shall coordinate and  
19 conduct the random inspection of shipping containers pursuant to  
20 this section. The Hawaii national guard may be utilized to  
21 assist in the random inspection of shipping containers.



1        (d) Any container identified by the department of public  
2 safety as requiring additional inspection for possible illegal  
3 fireworks shall be inspected by the appropriate bargaining unit  
4 employees and shall not be performed by a contractor or  
5 subcontractor.

6        (e) The department of public safety may request funding  
7 from federal sources for homeland security and port security  
8 measures and work with the United States military to secure  
9 other funding sources for the purposes of the program.

10       (f) The department of public safety shall adopt rules in  
11 accordance with chapter 91 for the purposes of this section."

12       SECTION 3. No later than forty days prior to the convening  
13 of the regular sessions of 2024 and 2025, the department of  
14 public safety shall submit to the legislature reports on the  
15 implementation of the shipping container inspection program  
16 established pursuant to this Act. The reports shall include  
17 findings and recommendations, including costs expended to date,  
18 the estimated cost of operating the program, and any proposed  
19 legislation.

20       SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$750,000 or so much



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1 thereof as may be necessary for fiscal year 2023-2024 and the  
 2 same sum or so much thereof as may be necessary for fiscal year  
 3 2024-2025 for costs to establish and administer the shipping  
 4 container inspection program, including the purchase, care, and  
 5 handling of at least two explosive-sniffing dogs.

6 The sum appropriated shall be expended by the department of  
 7 public safety for the purposes of this Act.

## PART II

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 9 SECTION 5. Act , Session Laws of Hawaii 2023, sections  
 10 2, 3, and 4 are amended by substituting the phrase "department  
 11 of law enforcement", or similar term, wherever the phrase  
 12 "department of public safety", or similar term, appears.

## PART III

13  
 14 SECTION 6. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval;  
 16 provided that:

17 (1) Section 4 of this Act shall take effect on July 1,  
 18 2023; and

19 (2) Part II shall take effect on January 1, 2024.

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INTRODUCED BY: *Karl Abroad*



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**Report Title:**

Illegal Fireworks; Department of Public Safety; Department of Transportation; Shipping Container Inspection Program; Fees; Appropriation

**Description:**

Establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. Requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

