

JAN 15 2014

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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1       SECTION 1. The legislature finds that the use of consumer  
2 fireworks frequently results in fires and burn injuries to  
3 children and produces excessive smoke, contributing to breathing  
4 difficulties. Loud fireworks noises can also traumatize war  
5 veterans and pets. When fireworks-related calls increase,  
6 public safety agencies are often strained to maintain adequate  
7 response levels for other critical emergencies. The residents  
8 in this State deserve to live in peace and security, without the  
9 public safety risk and disruptive impact of consumer fireworks.

10       The purpose of this Act is to limit the use of consumer  
11 fireworks to only cultural purposes and to discontinue the use  
12 of consumer fireworks on the three designated holidays, namely,  
13 New Year's Eve, Fourth of July, and Chinese New Year. Display  
14 fireworks, articles pyrotechnic, and aerial devices that are  
15 conducted by licensed professionals would still be allowed.

16       SECTION 2. Section 132D-2, Hawaii Revised Statutes, is  
17 amended by amending the definitions of "consumer fireworks" and  
18 "cultural" to read as follows:



1        ""Consumer fireworks" [~~means~~]:

2        (1) Means any fireworks designed primarily for retail sale  
3        to the public [~~during authorized dates and times,~~]  
4        that produces visible or audible effects by  
5        combustion, and that is designed to remain on or near  
6        the ground and, while stationary or spinning rapidly  
7        on or near the ground, emits smoke, a shower of  
8        colored sparks, whistling effects, flitter sparks, or  
9        balls of colored sparks, and includes combination  
10       items that contain one or more of these effects.

11       "Consumer fireworks" shall comply with the  
12       construction, chemical composition, and labeling  
13       regulations of the United States Consumer Product  
14       Safety Commission as set forth in Title 16 Code of  
15       Federal Regulations and fireworks classified as UN0336  
16       and UN0337 by the United States Department of  
17       Transportation as set forth in Title 49 Code of  
18       Federal Regulations[~~."Consumer fireworks" include~~];

19       and

20       (2) Includes firework items commonly known as firecrackers  
21       that are single paper cylinders not exceeding one and  
22       one-half inches in length excluding the fuse and one-



1 quarter of an inch in diameter and contain a charge of  
2 not more than fifty milligrams of pyrotechnic  
3 composition, snakes, sparklers, fountains, and  
4 cylindrical or cone fountains that emit effects up to  
5 a height not greater than twelve feet above the  
6 ground, illuminating torches, bamboo cannons,  
7 whistles, toy smoke devices, wheels, and ground  
8 spinners that when ignited remain within a circle with  
9 a radius of twelve feet as measured from the point  
10 where the item was placed and ignited, novelty or  
11 trick items, combination items, and other fireworks of  
12 like construction that are designed to produce the  
13 same or similar effects.

14 "Cultural" means relating to the arts, customs, traditions,  
15 mores, and history of all of the various groups of Hawaii[-] and  
16 includes religious events."

17 SECTION 3. Section 132D-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§132D-3 [Permissible-uses] Use of consumer fireworks[-];  
20 prohibition; exception for cultural events. [Consumer fireworks  
21 ~~may be~~] It shall be unlawful for any person to set off,



1 ~~[ignite, discharged,]~~ ignite, discharge, or otherwise ~~[caused]~~  
2 cause to explode any consumer fireworks within the State ~~[only:~~

3 ~~(1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New~~  
4 ~~Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New~~  
5 ~~Year's Day; and from 1:00 p.m. to 9:00 p.m. on the~~  
6 ~~Fourth of July; or~~

7 ~~(2) From]~~, except for cultural events from 9:00 a.m. to  
8 9:00 p.m. as allowed by permit pursuant to section  
9 132D-10 [if the proposed cultural use is to occur at  
10 any time other than during the periods prescribed in  
11 paragraph (1)];

12 provided that the purchase of not more than five thousand  
13 individual consumer fireworks commonly known as firecrackers  
14 shall be allowed under each permit."

15 SECTION 4. Section 132D-5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§132D-5 General prohibitions.** (a) ~~[It]~~ In addition to  
18 the prohibition under section 132D-3, it shall be unlawful for  
19 any person [without a permit issued under section 132D-10 by a  
20 county fire department] to:

21 (1) Remove or extract the pyrotechnic contents from any  
22 fireworks;



(2) Throw any ignited fireworks:

(A) From, at, or into a vehicle;

(B) At a person or an animal; and

(C) From above the first floor of any building; or

(3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:

(A) Above the first floor of any building;

(B) In any vehicle;

~~[(C) At any time not within the periods for use prescribed in section 132D-3;~~

~~[(D)]~~ (C) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;

~~[(E)]~~ (D) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;

~~[(F)]~~ (E) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet of a canefield; or within one thousand feet of any



1 building used for public worship during the  
2 periods when services are held; and

3 ~~[(G)]~~ (F) Within five hundred feet of any hotel.

4 (b) ~~[(F)]~~ Except for use at cultural events by permit  
5 pursuant to section 132D-10, it shall be unlawful to purchase or  
6 possess consumer fireworks ~~[more than five calendar days before~~  
7 ~~the time periods for permissible use under section 132D-3.]~~  
8 within the State.

9 (c) ~~[(F)]~~ Except for use at cultural events by permit  
10 pursuant to section 132D-10, it shall be unlawful to offer,  
11 expose for sale, sell, or furnish consumer fireworks ~~[after~~  
12 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~  
13 ~~Day, and 8:00 p.m. on the Fourth of July.]~~ to any person within  
14 the State."

15 SECTION 5. Section 132D-8, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

17 "(c) It shall be unlawful for any licensee, other than a  
18 wholesaler who is selling or transferring fireworks or articles  
19 pyrotechnic to a licensed retailer, to sell or offer to sell,  
20 exchange for consideration, give, transfer, or donate any  
21 fireworks or articles pyrotechnic at any time to any person who  
22 does not present a permit duly issued as required by section



1 132D-10 or 132D-16. The permit shall be signed by the seller or  
2 transferor at the time of sale or transfer of the fireworks or  
3 articles pyrotechnic, and the seller or transferor shall  
4 indicate on the permit the amount and type of fireworks or  
5 articles pyrotechnic sold or transferred. No person shall sell  
6 or deliver fireworks to any permittee in any amount in excess of  
7 the amount specified in the permit, less the amount shown on the  
8 permit to have been previously purchased; provided that no  
9 fireworks shall be sold to a permittee holding a permit issued  
10 for purposes of section 132D-3, more than five calendar days  
11 before the applicable [~~time period under section 132D-3.~~]  
12 cultural event."

13 SECTION 6. Section 132D-10, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§132D-10 Permits[+] for purchase or use of fireworks;

16 fees. A permit shall be required for the purchase and use of:

- 17 (1) Any consumer fireworks [~~commonly known as firecrackers~~  
18 ~~upon payment of a fee of~~] for cultural events, the fee  
19 for which shall be \$25[+] per permit; and
- 20 (2) Any aerial devices, display fireworks, or articles  
21 pyrotechnic for the purposes of section 132D-16 [~~upon~~



1           ~~payment of a fee of], the fee for which shall be~~

2           \$110[~~;~~ and] per permit.

3       ~~[(3) Any consumer fireworks for the purposes of section~~  
4       ~~132D-5 or for cultural uses that occur at any time~~  
5       ~~other than during the periods prescribed in section~~  
6       ~~132D-3(1) upon a payment of a fee of \$25.]"~~

7       SECTION 7. This Act does not affect rights and duties that  
8       matured, penalties that were incurred, and proceedings that were  
9       begun, before its effective date.

10       SECTION 8. Statutory material to be repealed is bracketed  
11       and stricken. New statutory material is underscored.

12       SECTION 9. This Act shall take effect upon its approval.

13  
INTRODUCED BY:

  
BY REQUEST





# S.B. NO. 2090

**Report Title:**

State Fire Council Package; Consumer Fireworks; Limited Use for Cultural Events

**Description:**

Limits the use of consumer fireworks to only cultural events, including religious events.

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

