

JAN 23 2015

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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 causes fires and burn injuries mostly to children.  
3 Fireworks also produce excessive smoke that contributes to  
4 breathing difficulties. Loud fireworks noises are also known to  
5 traumatize both war veterans and pets.

6       The legislature also finds that, with the increase in  
7 fireworks-related calls, public safety agencies are strained to  
8 maintain adequate response levels for other critical  
9 emergencies. The legislature believes that Hawaii's communities  
10 deserve to live in peace and security, without the public safety  
11 risk and disruptive impact of consumer fireworks.

12       The purpose of this Act is to limit the use of consumer  
13 fireworks to cultural purposes only and discontinue the use of  
14 consumer fireworks on the three designated holidays, namely New  
15 Year's Eve, Fourth of July, and Chinese New Year. This Act  
16 would continue to allow display fireworks, articles pyrotechnic,  
17 and aerial devices that are conducted by licensed professionals.



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

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

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

"Consumer fireworks" shall comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as set forth in Title 16 Code of Federal Regulations and fireworks classified as UN0336 and UN0337 by the United States Department of Transportation as set forth in Title 49 Code of



1 Federal Regulations [~~— "Consumer fireworks" include~~];  
2 and

3 (2) Includes firework items commonly known as firecrackers  
4 that are single paper cylinders not exceeding one and  
5 one-half inches in length excluding the fuse and one-  
6 quarter of an inch in diameter and contain a charge of  
7 not more than fifty milligrams of pyrotechnic  
8 composition, snakes, sparklers, fountains, and  
9 cylindrical or cone fountains that emit effects up to  
10 a height not greater than twelve feet above the  
11 ground, illuminating torches, bamboo cannons,  
12 whistles, toy smoke devices, wheels, and ground  
13 spinners that when ignited remain within a circle with  
14 a radius of twelve feet as measured from the point  
15 where the item was placed and ignited, novelty or  
16 trick items, combination items, and other fireworks of  
17 like construction that are designed to produce the  
18 same or similar effects.

19 "Cultural" means relating to the arts, customs, traditions,  
20 mores, and history of all of the various groups of Hawaii[~~—~~] and  
21 includes religious events."



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

"§132D-3 ~~[Permissible uses]~~ Use of consumer fireworks~~[-]; prohibition; exception for cultural events.~~ ~~[Consumer fireworks may be]~~ It shall be unlawful for any person to set off, [ignited, discharged,] ignite, discharge, or otherwise [caused] cause to explode any consumer fireworks within the State [only-

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

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

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

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



1       "**§132D-5 General prohibitions.** (a) [~~It~~] In addition to  
2 the prohibition under section 132D-3, it shall be unlawful for  
3 any person [~~without a permit issued under section 132D-10 by a~~  
4 ~~county fire department~~] to:

5       (1) Remove or extract the pyrotechnic contents from any  
6       fireworks;

7       (2) Throw any ignited fireworks:

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

9           (B) At a person or an animal; and

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

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

13           (A) Above the first floor of any building;

14           (B) In any vehicle;

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

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



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

4           ~~[(F)]~~   (E)   On any highway, alley, street, sidewalk, or  
5                               other public way; in any park; on any public  
6                               beach; in any officially designated forest or  
7                               wildlife preserve; within fifty feet of a  
8                               canefield; or within one thousand feet of any  
9                               building used for public worship during the  
10                              periods when services are held; and

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

12           (b)   ~~[(H)]~~   Except for use at cultural events by permit  
13   pursuant to section 132D-10, it shall be unlawful to purchase or  
14   possess consumer fireworks ~~[more than five calendar days before~~  
15   ~~the time periods for permissible use under section 132D-3.]~~  
16   within the State.

17           (c)   ~~[(I)]~~   Except for use at cultural events by permit  
18   pursuant to section 132D-10, it shall be unlawful to offer,  
19   expose for sale, sell, or furnish consumer fireworks ~~[after~~  
20   ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~



1 ~~Day, and 8:00 p.m. on the Fourth of July.]~~ to any person within  
2 the State."

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

5 "(d) It shall be unlawful for any licensee, other than a  
6 wholesaler who is selling or transferring fireworks or articles  
7 pyrotechnic to a licensed retailer, to sell or offer to sell,  
8 exchange for consideration, give, transfer, or donate any  
9 fireworks or articles pyrotechnic at any time to any person who  
10 does not present a permit duly issued as required by section  
11 132D-10 or 132D-16. The permit shall be signed by the seller or  
12 transferor at the time of sale or transfer of the fireworks or  
13 articles pyrotechnic, and the seller or transferor shall  
14 indicate on the permit the amount and type of fireworks or  
15 articles pyrotechnic sold or transferred. No person shall sell  
16 or deliver fireworks to any permittee in any amount in excess of  
17 the amount specified in the permit, less the amount shown on the  
18 permit to have been previously purchased; provided that no  
19 fireworks shall be sold to a permittee holding a permit issued  
20 for purposes of section 132D-3, more than five calendar days



1 before the applicable [~~time period under section 132D-3.~~]  
2 cultural event."

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

5 "§132D-10 Permits[~~-~~] ~~for purchase or use of fireworks;~~  
6 fees. A permit shall be required for the purchase and use of:

7 (1) Any consumer fireworks [~~commonly known as firecrackers~~  
8 ~~upon payment of a fee of~~] for cultural events, the fee  
9 for which shall be \$25[~~-~~] per permit; and

10 (2) Any aerial devices, display fireworks, or articles  
11 pyrotechnic for the purposes of section 132D-16 [~~upon~~  
12 ~~payment of a fee of~~], the fee for which shall be  
13 \$110[~~-~~ and] per permit.

14 [~~(3) Any consumer fireworks for the purposes of section~~  
15 ~~132D-5 or for cultural uses that occur at any time~~  
16 ~~other than during the periods prescribed in section~~  
17 ~~132D-3(1) upon a payment of a fee of \$25.] "~~

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






1        SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:



By Request



**Report Title:**

State Fire Council Package; Consumer Fireworks; Cultural Events and Display

**Description:**

Imposes a statewide limitation on consumer fireworks, except by permit for religious and cultural events.

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

