

JAN 19 2018

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Section 132D-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Public display" means any display of fireworks conducted
5 for and open to the public at large, regardless of whether or
6 not an admission price is charged, and regardless of the source
7 of funding for the display. "Public display" also means any
8 display conducted as part of any movie or television production.

9 "Public display" does not include any display conducted
10 primarily for the benefit of a private party. "Public display"
11 includes:

12 (1) Any display conducted by the State or counties or any
13 municipal subdivision thereof for the benefit of its
14 residents;

15 (2) Any display conducted by a nonprofit or community
16 organization for the benefit of the community;



- (3) Any display conducted by a hotel for the benefit of its guests; and
- (4) Any display conducted as a part of a concert, play, theatrical production, sporting event, parade, or other public event."

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

"Consumer fireworks" 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



1 Transportation as set forth in Title 49 Code of Federal
2 Regulations. "Consumer fireworks" include firework items
3 commonly known as firecrackers that are single paper cylinders
4 not exceeding one and one-half inches in length excluding the
5 fuse and one-quarter of an inch in diameter and contain a charge
6 of not more than fifty milligrams of pyrotechnic composition,
7 snakes, sparklers, fountains, and cylindrical or cone fountains
8 that emit effects up to a height not greater than twelve feet
9 above the ground, illuminating torches, bamboo cannons,
10 whistles, toy smoke devices, wheels, and ground spinners that
11 when ignited remain within a circle with a radius of twelve feet
12 as measured from the point where the item was placed and
13 ignited, novelty or trick items, combination items, and other
14 fireworks of like construction that are designed to produce the
15 same or similar effects. The manufacture, import, sale, and use
16 of consumer fireworks is prohibited."

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

19 "§132D-3 ~~[Permissible uses of consumer]~~ Consumer
20 fireworks[-]; prohibited. ~~[Consumer fireworks may be set off,~~



1 ~~ignited, discharged, or otherwise caused to explode within the~~
2 ~~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 9:00 a.m. to 9:00 p.m. as allowed by permit~~
8 ~~pursuant to section 132D-10 if the proposed cultural~~
9 ~~use is to occur at any time other than during the~~
10 ~~periods prescribed in paragraph (1);~~

11 ~~provided that the purchase of not more than five thousand~~
12 ~~individual consumer fireworks commonly known as firecrackers~~
13 ~~shall be allowed under each permit.] The manufacture,~~
14 ~~distribution, import, purchase, sale, and use of consumer~~
15 ~~fireworks is prohibited."~~

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

18 "**§132D-4 Permissible uses of display fireworks, articles**
19 **pyrotechnic, and aerial devices.** (a) Display fireworks,
20 articles pyrotechnic, and aerial devices may be purchased, set
21 off, ignited, or otherwise caused to explode in the State only



1 if for display and permitted in writing pursuant to sections
2 132D-10 and 132D-16.

3 (b) Display fireworks, articles pyrotechnic, and aerial
4 devices shall be set off, ignited, discharged, or otherwise
5 caused to explode within the State only from 9:00 a.m. to
6 9:00 p.m.; provided that the applicable county fire chief may
7 extend the time period for special events; provided further that
8 the time restriction established in this subsection shall not
9 apply to display fireworks, articles pyrotechnic, and aerial
10 devices set off, ignited, discharged, or otherwise caused to
11 explode within the State solely as part of a movie or television
12 production.

13 (c) Display fireworks, articles pyrotechnic, and aerial
14 devices shall be set off, ignited, discharged, or otherwise
15 caused to explode within the State only as part of a public
16 display."

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

19 "**§132D-5 General prohibitions.** [~~a~~] It shall be
20 unlawful for any person without a permit issued under section
21 132D-10 by a county fire department to:



- 1 (1) Remove or extract the pyrotechnic contents from any
- 2 fireworks;
- 3 (2) Throw any ignited fireworks:
- 4 (A) From, at, or into a vehicle;
- 5 (B) At a person or an animal; and
- 6 (C) From above the first floor of any building; or
- 7 (3) Set off, ignite, discharge, or otherwise cause to
- 8 explode any fireworks:
- 9 (A) Above the first floor of any building;
- 10 (B) In any vehicle;
- 11 [~~(C)~~] ~~At any time not within the periods for use~~
- 12 ~~prescribed in section 132D-3;~~
- 13 ~~(D)]~~ (C) Within one thousand feet of any operating
- 14 hospital, licensed convalescent home, licensed
- 15 home for the elderly, zoo, licensed animal
- 16 shelter, or licensed animal hospital;
- 17 [~~(E)]~~ (D) In any school building, or on any school
- 18 grounds and yards without first obtaining
- 19 authorization from appropriate school officials;
- 20 [~~(F)]~~ (E) On any highway, alley, street, sidewalk, or
- 21 other public way; in any park; on any public



1 beach; in any officially designated forest or
2 wildlife preserve; within fifty feet of a
3 canefield; or within one thousand feet of any
4 building used for public worship during the
5 periods when services are held; and

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

7 ~~[(b)] It shall be unlawful to purchase consumer fireworks~~
8 ~~more than five calendar days before the time periods for~~
9 ~~permissible use under section 132D-3.~~

10 ~~[(c)] It shall be unlawful to sell consumer fireworks after~~
11 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~
12 ~~Day, and 8:00 p.m. on the Fourth of July.] "~~

13 SECTION 6. Section 132D-7, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§132D-7 License or permit required.** A person shall not:

16 (1) Import, store, offer to sell, or sell, at wholesale or
17 retail, aerial devices, display fireworks, or articles
18 pyrotechnic, ~~[or consumer fireworks]~~ unless the person
19 has a valid license issued by the county; or

20 (2) Possess aerial devices, display fireworks, or articles
21 pyrotechnic without a valid license to import, store,



1 or sell aerial devices, display fireworks, or articles
2 pyrotechnic, or a valid display permit as provided for
3 in this chapter."

4 SECTION 7. Section 132D-8, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

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



1 ~~for purposes of section 132D-3, more than five calendar days~~
2 ~~before the applicable time period under section 132D-3]."~~

3 SECTION 8. Section 132D-9, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§132D-9 Application for permit.** The permit required
6 under section 132D-10 or 132D-16 shall be issued by the county
7 or its authorized designees and be nontransferable. The county
8 or its authorized designees shall issue all permits for which
9 complete applications have been submitted and which contain only
10 correct information. The permit shall specify the date of
11 issuance or effect and the date of expiration but in no case for
12 a period to exceed one year. ~~[The permit for the purchase of~~
13 ~~consumer fireworks for the purposes of section 132D-3 shall not~~
14 ~~allow purchase for more than one event as set forth in section~~
15 ~~132D-3.]~~ The application shall be made on a form setting forth
16 the dates for which the permit shall be valid, the location
17 where the permitted activity is to occur, and the name of the
18 proprietor or, if a partnership, the name of the partnership and
19 the names of all partners or, if a corporation, the name of the
20 corporation and the names of its officers. The permit
21 application may be denied if the proposed use of fireworks or



1 articles pyrotechnic presents a substantial inconvenience to the
2 public or presents an unreasonable fire or safety hazard. Any
3 permit issued pursuant to this chapter shall be prominently
4 displayed in public view at the site."

5 SECTION 9. Section 132D-10, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§132D-10 Permits.** A permit shall be required for the
8 purchase and use of[+]

9 ~~(1) Any consumer fireworks commonly known as firecrackers~~
10 ~~upon payment of a fee of \$25;~~

11 ~~(2) Any] any aerial devices, display fireworks, or~~
12 ~~articles pyrotechnic for the purposes of section 132D-~~
13 ~~16 upon payment of a fee of \$110[+and~~

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 10. Section 132D-12, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§132D-12 Sale to minors; sale by minors; prohibited.** It
21 shall be unlawful for any person to offer for sale, sell, or



1 give any fireworks or articles pyrotechnic to minors, and for
2 any minor to possess, purchase, sell, or set off, ignite, or
3 otherwise cause to explode any fireworks or articles
4 pyrotechnic[~~, except as provided in section 132D-13~~]."

5 SECTION 11. Section 132D-13, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§132D-13 Liability of parents or guardians.** The parents,
8 guardian, and other persons having the custody or control of any
9 minor, who knowingly permit the minor to possess, purchase, or
10 set off, ignite, or otherwise cause to explode any fireworks or
11 articles pyrotechnic, shall be deemed to be in violation of this
12 chapter and shall be subject to the penalties thereunder[~~,
13 except that the parents or guardian may allow the minor to use
14 consumer fireworks while under the immediate supervision and
15 control of the parent or guardian, or under the supervision and
16 control of another adult~~]."

17 SECTION 12. Section 132D-16, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (b) to read:

20 "(b) The application shall state, among other things:

21 (1) The name, age, and address of the applicant;



(2) The name, age, and address of the person who will operate the display, and verification that the person is a licensed and trained pyrotechnic operator;

(3) The time, date, and place of the display;

(4) The type and quantity of aerial devices, display fireworks, or articles pyrotechnic to be displayed; and

(5) The purpose or occasion for which the display is to be presented."

2. By amending subsection (d) to read:

"(d) The county, pursuant to duly adopted rules, shall issue the permit after being satisfied that the requirements of subsection (c) have been met, the display will be handled by a trained pyrotechnic operator duly licensed by the State, the display will not be hazardous to property, and the display will not endanger human life. The permit shall authorize the holder to display aerial devices, display fireworks, or articles pyrotechnic only at the place and during the time set forth therein, and to acquire and possess the specified aerial devices, display fireworks, or articles pyrotechnic between the date of the issuance of the permit and the time during which the



1 display of those aerial devices, display fireworks, or articles
2 pyrotechnic is authorized."

3 SECTION 13. Section 132D-16.6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§132D-16.6[+] **Display site inspection.** Each county
6 fire chief is authorized to conduct inspections of the persons
7 conducting a display, including the site where the display is
8 occurring or will occur within the fire chief's county to
9 determine compliance with the applicable county code and the
10 current editions of the National Fire Protection Association's
11 "NFPA 1123: Code for Fireworks Display" and "NFPA 1126:
12 Standard for the Use of Pyrotechnics Before a Proximate
13 Audience". An inspection fee of \$200 shall be assessed by the
14 county upon the holder of a permit for a display under section
15 ~~[132D-10(2),]~~ 132D-10, which shall be separate from the display
16 permit fee under that section. The inspection fee shall be paid
17 to the county in which the display will occur, and shall be used
18 to defray the cost of the official conducting the inspection of
19 the display setup."



1 SECTION 14. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 15. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 16. This Act shall take effect on April 1, 2019.

7
INTRODUCED BY: 



S.B. NO. 2473

Report Title:

Consumer Fireworks; Ban; Public Display

Description:

Bans import, sale, distribution, and use of consumer fireworks. Limits use of aerial devices, articles pyrotechnic, and display fireworks to public displays conducted by trained and licensed pyrotechnic operators. Effective date 04/01/2019.

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

