

STAND. COM. REP. NO.

299

Honolulu, Hawaii

FEB 17 , 2021

RE: H.B. No. 1246  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1246 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to specify that certain violations of the Fireworks Control Law be considered:

- (1) An activity that causes air pollution, which may subject the violator to a citation under the State's Air Pollution Control Act; and
- (2) A violation of noise control rules, which may subject the violator to a citation under the State's noise pollution law.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Hawaiian Humane Society, and five individuals. Your Committee received comments on this measure from the Department of Health, Honolulu Police Department, and one individual.

Your Committee finds that the enforcement of the Fireworks Control Law is wanting. Your Committee further finds that enforcement is necessary to protect property from avoidable fire

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damage; protect persons from fire and explosion-related injuries; minimize respiratory distress caused by the air pollution; and avoid retraumatizing persons who may be adversely impacted by loud explosions.

To promote compliance with the Fireworks Control Law, your Committee finds that alternative enforcement mechanisms or penalties need to be considered, such as violations of the Air Pollution Control Act and noise pollution laws. Your Committee finds that subjecting certain violations of the Fireworks Control Law to the citations and civil penalties under the Air Pollution Control Act and noise pollution laws may help with compliance.

Your Committee has amended this measure by:

- (1) Specifying that violations of certain provisions of the Fireworks Control Law are subject to the civil penalties under Hawaii's Air Pollution Control Act and noise pollution laws;
- (2) Clarifying that the civil penalties and citations under the Air Pollution Control Act and noise pollution laws are in addition to the penalties under the Fireworks Control Law;
- (3) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1246, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1246, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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AARON LING JOHANSON, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

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**Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: <span style="font-size: 1.5em;">HB 1246</span>	Committee Referral: <span style="font-size: 1.5em;">CPC, JHA</span>	Date: <span style="font-size: 1.5em;">2/9/2021</span>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
<b>TOTAL (11)</b>	<b>11</b>			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				