

JAN 22 2021

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 many laws have been
2 enacted to regulate the importation, sale, purchase, and use of
3 fireworks to address their disruptive impact as well as the
4 serious safety hazards for persons and property and severe
5 health risks. These laws include the ordinance passed by the
6 city and county of Honolulu in 2010 that banned the importation,
7 storage, sale, possession, and use of nearly all consumer
8 fireworks and Act 248, Session Laws of Hawaii 2019, that made
9 homeowners, renters, or persons otherwise responsible for a real
10 property criminally liable for any aerial devices possessed or
11 ignited on the real property. Despite these laws, fireworks
12 continue to be a significant public nuisance and an ongoing
13 threat to public safety and private property.

14 The purpose of this Act is to amend the definitions of
15 several types of fireworks to ensure that more fireworks are
16 prohibited or regulated under the law.



1 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
2 amended by amending the definitions of "aerial device",
3 "articles pyrotechnic", "consumer fireworks", "display
4 fireworks", and "fireworks" to read as follows:

5 "Aerial device" means any fireworks [~~containing one~~
6 ~~hundred thirty milligrams or less of explosive materials~~] that
7 produces an audible or visible effect and is designed to rise
8 into the air and explode or detonate in the air or to fly about
9 above the ground[, ~~and that is prohibited for use by any person~~
10 ~~who does not have a permit for display issued by a county under~~
11 ~~section 132D-16. "Aerial devices" classified as fireworks under~~
12 ~~UN0336 and UN0337 by the United States Department of~~
13 ~~Transportation as set forth in Title 49 Code of Federal~~
14 ~~Regulations include firework items commonly known as bottle~~
15 ~~rockets, sky rockets, missile type rockets, helicopters,~~
16 ~~torpedoes, daygo bombs, roman candles, flying pigs, and jumping~~
17 ~~jacks that move about the ground farther than a circle with a~~
18 ~~radius of twelve feet as measured from the point where the item~~
19 ~~was placed and ignited, aerial shells, and mines].~~

20 "Articles pyrotechnic" means pyrotechnic devices for
21 professional use similar to consumer fireworks in chemical



1 composition and construction but not intended for consumer use
2 that meet the weight limits for consumer fireworks but are not
3 labeled as such [~~and that are classified as UN0431 or UN0432 by~~
4 ~~the United States Department of Transportation~~].

5 "Consumer fireworks" means any fireworks designed primarily
6 for retail sale to the public during authorized dates and times,
7 that produces visible or audible effects by combustion, and that
8 is designed to remain on or near the ground and, while
9 stationary or spinning rapidly on or near the ground, emits
10 smoke, a shower of colored sparks, whistling effects, flutter
11 sparks, or balls of colored sparks, and includes combination
12 items that contain one or more of these effects. [~~"Consumer~~
13 ~~fireworks" shall comply with the construction, chemical~~
14 ~~composition, and labeling regulations of the United States~~
15 ~~Consumer Product Safety Commission as set forth in Title 16 Code~~
16 ~~of Federal Regulations and fireworks classified as UN0336 and~~
17 ~~UN0337 by the United States Department of Transportation as set~~
18 ~~forth in Title 49 Code of Federal Regulations.~~] "Consumer
19 fireworks" include firework items commonly known as firecrackers
20 that are single paper cylinders not exceeding one and one-half
21 inches in length excluding the fuse and one-quarter of an inch



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

12 "Display fireworks" means any fireworks designed primarily
13 for exhibition display by producing visible or audible effects
14 ~~[and classified as display fireworks or contained in the~~
15 ~~regulations of the United States Department of Transportation~~
16 ~~and designated as UN0333, UN0334, or UN0335, and includes~~
17 ~~salutes containing more than two grains (one hundred and thirty~~
18 ~~milligrams) of explosive materials, aerial shells containing~~
19 ~~more than forty grams of pyrotechnic compositions, and other~~
20 ~~display pieces which exceed the limits of explosive materials~~
21 ~~for classification as "consumer fireworks". This term also~~



1 ~~includes fused setpieces containing components, which together~~
2 ~~exceed fifty milligrams of salute power. The use of display~~
3 ~~fireworks shall be prohibited for use by any person who does not~~
4 ~~have a display permit issued by a county].~~

5 "Fireworks" means any combustible or explosive composition,
6 or any substance or combination of substances, or article
7 prepared for the purpose of producing a visible or audible
8 effect by combustion, explosion, deflagration, or detonation and
9 that meets the definition of aerial device or consumer or
10 display fireworks as defined by this section [~~and contained in~~
11 ~~the regulations of the United States Department of~~
12 ~~Transportation as set forth in Title 49 Code of Federal~~
13 ~~Regulations]~~. The term "fireworks" shall not include any
14 explosives or pyrotechnics regulated under chapter 396 or
15 automotive safety flares, nor shall the term be construed to
16 include toy pistols, toy cannons, toy guns, party poppers, pop-
17 its, or other devices which contain twenty-five hundredths of a
18 grain or less of explosive substance."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Mike Hubbard



S.B. NO. 356

Report Title:

Fireworks; Definitions

Description:

Amends the definitions of aerial device, articles pyrotechnic, consumer fireworks, display fireworks, and fireworks.

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