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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. Act 67, Session Laws of Hawaii 2023, created  
2 the illegal fireworks task force to, among other things, plan,  
3 coordinate, and engage in law enforcement operations to  
4 interdict illegal fireworks. The legislature finds that  
5 additional provisions are needed for the ability of county and  
6 state agencies to address the illegal use of fireworks in  
7 Hawaii.

8           The purpose of this Act is to amend the State's Fireworks  
9 Control Law to:

10           (1) Authorize officers with police powers and every county  
11 fire department officer to enter into and inspect the  
12 premises of a licensee or permittee for compliance  
13 with the Fireworks Control Law and establish penalties  
14 for hindering an officer;

15           (2) Establish procedures for the department of law  
16 enforcement to conduct administrative inspections of  
17 controlled premises;



- 1           (3) Require licensees and permittees who hold, store,  
2           transport, sell, possess, or otherwise dispose of  
3           fireworks and articles pyrotechnic to keep records and  
4           maintain inventories;
- 5           (4) Require licensees and permittees to report to the  
6           director of law enforcement and appropriate county  
7           fire chief if they have reason to believe fireworks or  
8           articles pyrotechnic were stolen, embezzled, or  
9           otherwise obtained by fraud or diversion;
- 10          (5) Authorize a law enforcement agency or county fire  
11          department to safely dispose of confiscated fireworks  
12          and articles pyrotechnic;
- 13          (6) Require violators to be held liable for storage and  
14          disposal costs;
- 15          (7) Specify that each type of prohibited firework  
16          constitutes a separate violation; and
- 17          (8) Authorize the department of law enforcement, in  
18          addition to the counties, to enforce the Fireworks  
19          Control Law.



1 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is  
2 amended by adding six new sections to be appropriately  
3 designated and to read as follows:

4 "§132D- Entry onto premises; inspection of premises,  
5 books, and records; obstructing law enforcement or fire  
6 department operations; penalty. (a) Any law enforcement or  
7 fire officer may at reasonable hours enter and inspect the  
8 premises of a licensee or permittee and any books or records  
9 therein to verify compliance with this chapter and the  
10 conditions of the license or permit.

11 (b) Upon a request by any law enforcement or fire officer  
12 to enter and inspect the premises of a licensee or permittee at  
13 reasonable hours, the licensee, permittee, or employee of the  
14 licensee or permittee shall make available for immediate  
15 inspection and examination the premises and all the relevant  
16 books and records therein.

17 (c) Any licensee or permittee who refuses entry or access  
18 to an officer to the premises of the licensee or permittee shall  
19 be found in violation of the conditions of the license or permit  
20 and the license or permit shall be suspended or revoked by the  
21 issuing department after a hearing, for violation of any license



1 or permit requirement or condition or any provision of this  
2 chapter or rule adopted thereunder. Any order made by the  
3 issuing department for the suspension or revocation of a license  
4 or permit shall be in writing and shall set forth the reasons  
5 for the suspension or revocation. The action of the issuing  
6 department in suspending or revoking a license or permit may be  
7 reviewed in the manner provided in chapter 91. The department  
8 that issued the license or permit shall provide the licensee or  
9 permittee with a written notice and order describing the basis  
10 for the suspension or revocation. Any person aggrieved by the  
11 suspension or revocation determination may request a contested  
12 case hearing pursuant to chapter 91. To request a contested  
13 case hearing, the person shall submit a written request to the  
14 department that issued the license or permit within thirty  
15 calendar days of the date of the notice and order of the  
16 suspension or revocation. Appeal to the circuit court under  
17 section 91-14, or any other applicable statute, shall only be  
18 taken from the issuing department's final order pursuant to a  
19 contested case.

20 (d) Any licensee, permittee, employee of a licensee or  
21 permittee, or other person who:



1       (1) Threatens with the use of violence, force, or physical  
2       interference or obstacle, or hinders, obstructs, or  
3       prevents any law enforcement or fire officer, or any  
4       person called by a law enforcement or fire officer to  
5       the officer's aid, from entering into the premises of  
6       a licensee or permittee; or

7       (2) Opposes, obstructs, or molests a law enforcement or  
8       fire officer in the performance of the officer's duty  
9       to enforce this chapter in any respect,

10      shall be guilty of a misdemeanor, punishable by a fine of no  
11      more than \$2,000 or imprisonment for no more than one year, or  
12      both.

13      (e) Whenever any law enforcement or fire officer, having  
14      demanded admittance into the premises of a licensee or permittee  
15      and declared the officer's name and office, is not admitted by  
16      the licensee, permittee, or person in charge of the premises,  
17      the officer may use force to enter the premises.

18      (f) For purposes of this section, "premises of a licensee  
19      or permittee" does not include the licensee's or permittee's  
20      private residences that are dwellings considered to be a



1 person's home, including a single family house, apartment unit,  
2 condominium, townhouse, or cooperative unit.

3 §132D- Administrative inspections; controlled premises.

4 (a) The director or the director's designee may conduct  
5 administrative inspections of controlled premises upon  
6 presenting appropriate credentials to the licensee, permittee,  
7 persons subject to this chapter, or their agents in accordance  
8 with the following:

- 9 (1) Inspections of controlled premises shall be at  
10 reasonable times, within reasonable limits, and in a  
11 reasonable manner to verify compliance with this  
12 chapter and the conditions of the license or permit;
- 13 (2) The director or the director's designee shall have  
14 access to, and may copy, any and all records, books,  
15 logs, or documents pertaining to the holding, storage,  
16 transportation, sale, possession, or disposition of  
17 fireworks or articles pyrotechnic regulated under this  
18 chapter without a warrant;
- 19 (3) The director or the director's designee may inventory  
20 the stock of any fireworks or articles pyrotechnic  
21 regulated under this chapter and secure samples or



1 specimens of any fireworks or articles pyrotechnic not  
2 seized as evidence by paying for the sample or  
3 specimen. The director or the director's designee  
4 shall make or cause to be made examinations of samples  
5 or specimens secured under this paragraph to verify  
6 compliance with this chapter or the conditions of the  
7 license or permit; and

8 (4) The regulatory authority under this chapter shall  
9 remain with the five county fire departments. The  
10 director or the director's designee conducting these  
11 inspections are aiding the county fire departments'  
12 enforcement of its regulatory authority.

13 (b) For purposes of this section, "controlled premises"  
14 means a place where persons licensed or permitted under this  
15 chapter are required to keep records and authorized to hold,  
16 store, transport, sell, possess, or otherwise dispose of any  
17 fireworks and articles pyrotechnic. "Controlled premises"  
18 includes factories, warehouses, establishments, businesses,  
19 storefronts, vehicles, and conveyances.

20 §132D- Recordkeeping requirements. (a) A person with a  
21 license or permit issued under this chapter to hold, store,



1 transport, sell, possess, or otherwise dispose of any fireworks  
2 and articles pyrotechnic shall keep records and maintain  
3 inventories in conformance with the recordkeeping and inventory  
4 requirements of this chapter.

5 (b) Every licensee and permittee shall keep a record of  
6 all fireworks and articles pyrotechnic received, imported, held,  
7 distributed, sold, possessed, or disposed of that shows the  
8 amounts of fireworks and articles pyrotechnic received,  
9 imported, held, distributed, sold, possessed, or disposed of for  
10 five years.

11 (c) Records required under this section shall be  
12 maintained separately in a file, log book, or electronic  
13 database that is readily accessible by the licensee or  
14 permittee.

15 (d) All records pertaining to the receipt, importation,  
16 storage, distribution, sale, possession, and disposal of  
17 fireworks and articles pyrotechnic shall be produced and made  
18 available upon request by the director, county fire chiefs, or  
19 their designees.

20 §132D- Mandatory reporting requirements. (a)  
21 Notwithstanding any other law concerning confidentiality to the



1 contrary, a licensee or permittee who, in the licensee's or  
2 permittee's professional or official capacity, has reason to  
3 believe that fireworks or articles pyrotechnic in the licensee's  
4 or permittee's inventory have been stolen, embezzled, or  
5 otherwise obtained by fraud or diversion shall immediately make  
6 a verbal report of the matter to the director and county fire  
7 chief of the county in which the licensee or permittee resides  
8 or conducts business.

9       (b) The licensee or permittee shall submit a written  
10 report to the director and county fire chief of the county in  
11 which the licensee or permittee resides or conducts business as  
12 soon as practicable following the verbal report. The written  
13 report shall contain:

- 14       (1) The name and address of the suspected perpetrator, if  
15       known;
- 16       (2) The nature and extent of the theft, embezzlement,  
17       fraud, or diversion; and
- 18       (3) Any other information that the licensee or permittee  
19       believes may be helpful or relevant to the  
20       investigation of the theft, embezzlement, fraud, or  
21       diversion.



1        (c) Upon demand of the director or county fire chief of  
 2 the county in which the licensee or permittee resides or  
 3 conducts business, any person subject to subsection (a) shall  
 4 provide all information related to the alleged incident of  
 5 theft, embezzlement, fraud, or diversion, including records,  
 6 reports, and any image, film, video, or other electronic medium,  
 7 that was not included in the written report submitted pursuant  
 8 to subsection (b).

9        (d) This section shall not be construed to provide a basis  
 10 for a cause of action against the director, department of law  
 11 enforcement, county fire chief, or county fire departments.

12        (e) Any person subject to this section who knowingly  
 13 prevents another person from complying with the mandatory  
 14 reporting requirements of this section or who knowingly fails to  
 15 provide information as required by this section shall be guilty  
 16 of a misdemeanor.

17        §132D- Disposal of confiscated fireworks and articles  
 18 pyrotechnic. A law enforcement agency or county fire department  
 19 that confiscates prohibited fireworks or articles pyrotechnic  
 20 pursuant to this chapter may safely destroy or dispose of the  
 21 confiscated fireworks and articles pyrotechnic; provided that



1 the law enforcement agency or county fire department shall  
2 retain a sample or specimen of each type of confiscated firework  
3 or article pyrotechnic for evidentiary purposes.

4 §132D- Storage and disposal fine. (a) In any  
5 administrative, civil, or criminal action, following notice and  
6 an opportunity for hearing, an agency or a court hearing the  
7 action shall hold liable any party in violation of this chapter  
8 and from whom fireworks or articles pyrotechnic were  
9 confiscated, seized, or otherwise taken into custody by the  
10 state or county agency or agencies for the total amount of the  
11 costs incurred by the agency or agencies for the storage and  
12 disposal of the confiscated or seized fireworks or articles  
13 pyrotechnic.

14 (b) An administrative or civil order to pay a storage and  
15 disposal fine may be collected in the same manner as a judgment  
16 in a civil action. An agency or agencies may collect the full  
17 amount of the storage and disposal fine together with any costs,  
18 interest, and attorney's fees incurred in any action to enforce  
19 the order to pay a storage and disposal fine."



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

4 "Director" means the director of law enforcement.

5 "Law enforcement or fire officer" means any law enforcement  
6 officer having police power or county fire department officer,  
7 which includes firefighters."

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

10 **"§132D-8 Application for license.** (a) All licenses  
11 required under section 132D-7 shall be issued by the county and  
12 shall be nontransferable. Licenses to import shall specify the  
13 date of issuance or effect and the date of expiration, which  
14 shall be March 31 of each year. The application shall be made  
15 on a form setting forth the date upon which the importations are  
16 to begin, the address of the location of the importer, and the  
17 name of the proprietor or, if a partnership, the name of the  
18 partnership and the names of all partners or, if a corporation,  
19 the name of the corporation and the names of its officers. The  
20 application for a license to import display fireworks, articles  
21 pyrotechnic, or aerial devices shall include written



1 documentation of the proposed display event and related contact  
2 information in a form prescribed by the applicable county. If  
3 the state fire council or county discovers at a later date that  
4 a licensee has been convicted of a felony under this chapter,  
5 the licensee's license shall be revoked and no new license shall  
6 be issued to the licensee for two years.

7 (b) Each storage, wholesaling, and retailing site shall be  
8 required to obtain a separate license. The license shall  
9 specify the date of issuance or effect and the date of  
10 expiration, which shall be March 31 of each year. The  
11 application shall be made on a form setting forth the date upon  
12 which the storage, sale, or offers for sale are to begin, the  
13 address of the location of the licensee, and the name of the  
14 proprietor[~~7~~] or, if a partnership, the name of the partnership  
15 and the names of all partners or, if a corporation, the name of  
16 the corporation and the name of its officers. Any license  
17 issued pursuant to this chapter may be revoked by the county if  
18 the licensee violates any provision of this chapter or if the  
19 licensee stores or handles the fireworks in [~~such~~] a manner [~~as~~  
20 ~~to present~~] that presents an unreasonable safety hazard.



1 (c) Permanent and temporary fireworks storage buildings or  
2 structures and buildings or facilities where redistribution  
3 activities are performed shall comply with the currently adopted  
4 county building or fire codes or the latest edition of  
5 nationally recognized standards.

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 (e) Aerial devices, display fireworks, or articles  
4 pyrotechnic shall only be sold or transferred by a wholesaler to  
5 a person with a valid permit under sections 132D-10 and 132D-16.  
6 No person with a valid permit under sections 132D-10 and 132D-16  
7 shall sell or transfer aerial devices, display fireworks, or  
8 articles pyrotechnic to any other person.

9 (f) Any license issued pursuant to this chapter shall be  
10 prominently displayed in public view at each licensed location.

11 (g) A licensee under this chapter shall be deemed to have  
12 consented to allow the director or the director's designee to  
13 inspect the premises of the licensee, except for private  
14 residences. If a licensee withdraws consent to inspect the  
15 premises of the licensee, the license shall be revoked."

16 SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) The department of law enforcement or fire department  
19 of a county, in which a shipment of fireworks or articles  
20 pyrotechnic has landed and becomes subject to the jurisdiction  
21 of the fire department, shall be allowed to inspect, if it



1 chooses, any shipment declared on the shipping manifest as  
2 fireworks or articles pyrotechnic[-] or any facility in which  
3 fireworks or articles pyrotechnic are to be stored."

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

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



1 officers. The permit application may be denied if the proposed  
2 use of fireworks or articles pyrotechnic presents a substantial  
3 inconvenience to the public or presents an unreasonable fire or  
4 safety hazard.

5 (b) Any permit issued pursuant to this chapter shall be  
6 prominently displayed in public view at the site.

7 (c) A permittee under this chapter shall be deemed to have  
8 consented to allow the director or the director's designee to  
9 inspect the premises of the permittee, except for private  
10 residences. If a permittee withdraws consent to inspect the  
11 premises of the permittee, the permit shall be revoked."

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

14 "§132D-14 Penalty. (a) Any person:

15 (1) Importing aerial devices, display fireworks, or  
16 articles pyrotechnic without having a valid license  
17 under section 132D-7 shall be guilty of a class C  
18 felony;

19 (2) Purchasing, possessing, setting off, igniting, or  
20 discharging aerial devices, display fireworks, or  
21 articles pyrotechnic without a valid permit under



1 sections 132D-10 and 132D-16, or storing, selling, or  
2 possessing aerial devices, display fireworks, or  
3 articles pyrotechnic without a valid license under  
4 section 132D-7, or allowing an individual to possess,  
5 set off, ignite, discharge, or otherwise cause to  
6 explode any aerial device in violation of section  
7 132D-14.5:

8 (A) If the total weight of the aerial devices,  
9 display fireworks, or articles pyrotechnic is  
10 twenty-five pounds or more, shall be guilty of a  
11 class C felony; or

12 (B) If the total weight of the aerial devices,  
13 display fireworks, or articles pyrotechnic is  
14 less than twenty-five pounds, shall be guilty of  
15 a misdemeanor;

- 16 (3) Who transfers or sells aerial devices, display  
17 fireworks, or articles pyrotechnic to a person who  
18 does not have a valid permit under sections 132D-10  
19 and 132D-16, shall be guilty of a class C felony; and  
20 (4) Who removes or extracts the pyrotechnic contents from  
21 any fireworks or articles pyrotechnic and uses the



1 contents to construct fireworks, articles pyrotechnic,  
2 or a fireworks or articles pyrotechnic related device  
3 shall be guilty of a misdemeanor.

4 (b) Except as provided in subsection (a) or as otherwise  
5 specifically provided for in this chapter, any person violating  
6 any other provision of this chapter, shall be fined no more than  
7 \$5,000 for each violation. Notwithstanding any provision to the  
8 contrary in this section, any person violating section 132D-14.5  
9 shall be fined at least \$500 and no more than \$5,000.

10 (c) The court shall collect the fines imposed in  
11 subsections (a) and (b) for violating this chapter and, of the  
12 fines collected, shall pay twenty per cent to the State and  
13 eighty per cent to the county in which the fine was imposed  
14 which shall be expended by the county for law enforcement  
15 purposes.

16 (d) Notwithstanding any penalty set forth herein,  
17 violations of subsection (a) (1) or (3) may be subject to  
18 nuisance abatement proceedings provided in part V of chapter  
19 712.

20 (e) For the purposes of this section, each type of  
21 prohibited fireworks imported, purchased, sold, possessed, set



1 off, ignited, or discharged shall constitute a separate  
2 violation for each unopened package, and each separate firework  
3 imported, purchased, sold, possessed, set off, ignited, or  
4 discharged shall be a separate violation if the package is  
5 opened or the firework is not in a package.

6 (f) For the purposes of this section, "package":

7 (1) Means any aerial devices, display fireworks, or  
8 articles pyrotechnic:

9 (A) Enclosed in a container or wrapped in any manner  
10 in advance of wholesale or retail sale; and

11 (B) Whose weight or measure has been determined in  
12 advance of wholesale or retail sale; and

13 (2) Does not mean:

14 (A) Inner wrappings not intended to be individually  
15 sold to the customer;

16 (B) Shipping containers or wrapping used solely for  
17 the transportation of any commodities in bulk or  
18 in quantity;

19 (C) Auxiliary containers or outer wrappings used to  
20 deliver commodities if the containers or  
21 wrappings bear no printed matter pertaining to



1           any particular aerial devices, display fireworks,  
2           or articles pyrotechnic;

3           (D) Containers used for retail tray pack displays  
4           when the container itself is not intended to be  
5           sold; or

6           (E) Open carriers and transparent wrappers or  
7           carriers for containers when the wrappers or  
8           carriers do not bear printed matter pertaining to  
9           any particular aerial devices, display fireworks,  
10          or articles pyrotechnic."

11          SECTION 8. Section 132D-20, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13          "(a) This chapter shall be enforced by the department of  
14 law enforcement or each county. The department of law  
15 enforcement and counties, or both, are authorized to enforce and  
16 administer the provisions of this chapter."

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

20          SECTION 10. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 11. This Act shall take effect on July 1, 2042.



**Report Title:**

DLE; Fireworks Control Law; Illegal Fireworks; Task Force

**Description:**

Authorizes law enforcement and fire officers to enter and inspect any licensee's or permittee's premises, under certain conditions, to verify compliance with the State's Fireworks Control Law. Establishes procedures for the Department of Law Enforcement to conduct administrative inspections of controlled premises. Requires certain licensees and permittees to keep records and maintain inventories. Requires licensees and permittees to report any stolen fireworks or articles pyrotechnic. Authorizes a law enforcement agency or county fire department to safely dispose confiscated fireworks and articles pyrotechnic. Requires violators to be held liable for storage and disposal costs. Specifies that each type of prohibited firework constitutes a separate violation. Authorizes the Department of Law Enforcement, in addition to the counties, to enforce the Fireworks Control Law. Takes effect 7/1/2042.

(SD2)

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