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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 to enable county and state  
6 agencies to address the illegal use of fireworks in Hawaii.

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

- 9           (1) Authorize officers having police powers and every  
10 county fire department officer to enter and inspect  
11 the premises of a licensee or permittee for compliance  
12 with the Fireworks Control Law, and establish  
13 penalties for hindering an officer;
- 14           (2) Establish procedures to authorize the department of  
15 law enforcement to conduct administrative inspections  
16 of controlled premises;



- 1           (3) Require licensees and permittees who hold, store,  
2                   transport, sell, possess, or otherwise dispose of  
3                   fireworks or 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 that  
8                   fireworks or articles pyrotechnic were stolen,  
9                   embezzled, or otherwise obtained by fraud or  
10                  diversion;
- 11          (5) Authorize law enforcement agencies and county fire  
12                  departments to safely dispose of confiscated fireworks  
13                  and articles pyrotechnic;
- 14          (6) Require violators to be held liable for storage and  
15                  disposal costs;
- 16          (7) Specify that each type of prohibited firework  
17                  constitutes a separate violation; and
- 18          (8) Authorize the department of law enforcement, in  
19                  addition to the counties, to enforce the Fireworks  
20                  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 relevant books or  
9 records 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, the permittee, or an employee of  
14 the licensee or permittee shall make available for immediate  
15 inspection and examination the premises and all relevant books  
16 and records therein.

17 (c) Any licensee or permittee who refuses the law  
18 enforcement or fire officer entry or access to the premises,  
19 books, or records shall be in violation of the conditions of the  
20 license or permit. After a hearing, the issuing department  
21 shall suspend or revoke the license or permit for refusing entry



1 or access or for violations of any other requirement or  
2 condition of the license or permit or any provision of this  
3 chapter or rule adopted pursuant to this chapter. The issuing  
4 department shall provide the licensee or permittee with a  
5 written notice and order describing the basis for the suspension  
6 or revocation. Any person aggrieved by the suspension or  
7 revocation determination may request a contested case hearing  
8 pursuant to chapter 91. To request a contested case hearing,  
9 the person shall submit a written request to the issuing  
10 department within thirty calendar days of the date of the notice  
11 and order of the suspension or revocation. Appeal to the  
12 circuit court under section 91-14, or any other applicable  
13 statute, shall only be taken from the issuing department's final  
14 order pursuant to a contested case.

15 (d) Any licensee, permittee, employee of a licensee or  
16 permittee, or other person who:

17 (1) Threatens with the use of violence, force, or physical  
18 interference or obstacle, or hinders, obstructs, or  
19 prevents any law enforcement or fire officer, or any  
20 person assisting a law enforcement or fire officer,



1 from entering into the premises of the licensee or  
2 permittee; or

3 (2) Opposes, obstructs, or molests a law enforcement or  
4 fire officer in the officer's enforcement of this  
5 chapter,

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

9 (e) If any law enforcement or fire officer, having  
10 demanded admittance onto the premises of a licensee or permittee  
11 and declared the officer's name and office, is not admitted by  
12 the licensee, permittee, or person in charge of the premises,  
13 the officer may use force to enter the premises.

14 (f) For purposes of this section, "premises of a licensee  
15 or permittee" does not include the licensee's or permittee's  
16 private residence or a dwelling that is considered to be the  
17 person's home, including a single family house, apartment unit,  
18 condominium, townhouse, or cooperative unit.

19 **§132D- Administrative inspections; controlled premises.**

20 (a) The director or the director's designee may conduct  
21 administrative inspections of controlled premises after



1 presenting appropriate credentials to the licensee, permittee,  
2 other persons subject to this chapter, or their agents; provided  
3 that:

4       (1) Inspections of controlled premises shall be at  
5       reasonable times, within reasonable limits, and  
6       conducted in a reasonable manner to verify compliance  
7       with this chapter and the conditions of the license or  
8       permit;

9       (2) The director or the director's designee, without a  
10       warrant, shall have access to, and may copy, any  
11       records, books, logs, or documents relevant to the  
12       holding, storage, transportation, sale, possession, or  
13       disposition of fireworks or articles pyrotechnic  
14       regulated under this chapter;

15       (3) The director or the director's designee may inventory  
16       the stock of any fireworks or articles pyrotechnic  
17       regulated under this chapter and secure samples or  
18       specimens of any fireworks or articles pyrotechnic not  
19       seized as evidence by paying for the sample or  
20       specimen. The director or the director's designee  
21       shall make or cause to be made examinations of samples



1 or specimens secured under this paragraph to verify  
2 compliance with this chapter or the conditions of the  
3 license or permit; and

4 (4) The regulatory authority under this chapter shall  
5 remain with the county fire departments. The director  
6 or the director's designee conducting these  
7 inspections shall aid the county fire departments in  
8 enforcing the departments' regulatory authority.

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

16 **§132D- Recordkeeping requirements.** (a) A person  
17 having a license or permit issued under this chapter to hold,  
18 store, transport, sell, possess, or otherwise dispose of  
19 fireworks or articles pyrotechnic shall keep records and  
20 maintain inventories in conformance with the recordkeeping and  
21 inventory requirements of this chapter.



1        (b) Each licensee and permittee shall create and keep for  
 2 five years a record of all fireworks or articles pyrotechnic  
 3 received, imported, held, distributed, sold, possessed, or  
 4 disposed of, in that year, including the amounts of fireworks or  
 5 articles pyrotechnic received, imported, held, distributed,  
 6 sold, possessed, or disposed.

7        (c) Records required under this section shall be  
 8 maintained separately in a file, log book, or electronic  
 9 database that is readily accessible by the licensee or  
 10 permittee.

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

16       §132D- Mandatory reporting requirements. (a)  
 17 Notwithstanding any other law requiring confidentiality, a  
 18 licensee or permittee who, in the licensee's or permittee's  
 19 professional or official capacity, has reason to believe that  
 20 fireworks or articles pyrotechnic in the licensee's or  
 21 permittee's inventory have been stolen, embezzled, or otherwise





1 obtained by fraud or diversion shall immediately make a verbal  
2 report of the matter to the director and county fire chief of  
3 the county in which the licensee or permittee resides or  
4 conducts business.

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

10 (1) The name and address of the suspected perpetrator, if  
11 known;

12 (2) The nature and extent of the theft, embezzlement,  
13 fraud, or diversion; and

14 (3) Any other information that the licensee or permittee  
15 believes may be helpful or relevant to the  
16 investigation of the theft, embezzlement, fraud, or  
17 diversion.

18 (c) Upon demand of the director or county fire chief of  
19 the county in which the licensee or permittee resides or  
20 conducts business, any person subject to subsection (a) shall  
21 provide all information related to the alleged incident of



1 theft, embezzlement, fraud, or diversion, including records,  
2 reports, and any image, film, video, or other electronic medium,  
3 that was not included in the written report submitted pursuant  
4 to subsection (b).

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

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

13 **§132D- Disposal of confiscated fireworks or articles**  
14 **pyrotechnic.** Any law enforcement agency or county fire  
15 department that confiscates prohibited fireworks or articles  
16 pyrotechnic pursuant to this chapter may safely destroy or  
17 dispose of the confiscated fireworks or articles pyrotechnic;  
18 provided that the law enforcement agency or county fire  
19 department shall retain a sample or specimen of each type of  
20 confiscated firework or article pyrotechnic for evidentiary  
21 purposes.



1           §132D-       Storage and disposal fine. (a) In any  
2 administrative, civil, or criminal action to enforce this  
3 chapter, after providing notice and an opportunity for hearing,  
4 the agency or a court hearing the action shall hold any party  
5 violating this chapter liable for the total amount of any costs  
6 incurred by the agency or agencies for the storage and disposal  
7 of confiscated or seized fireworks or articles pyrotechnic.

8           (b) An administrative or civil order to pay a storage and  
9 disposal fine may be collected in the same manner as a judgment  
10 in a civil action. An agency or agencies may collect the full  
11 amount of the storage and disposal fine together with any costs,  
12 interest, and attorney's fees incurred in any action to enforce  
13 the order to pay."

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

17           "Director" means the director of law enforcement.

18           "Law enforcement or fire officer" means any law enforcement  
19 officer having police power or county fire department officer,  
20 including firefighters."



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

3 **"§132D-8 Application for license.** (a) All licenses  
4 required under section 132D-7 shall be issued by the county and  
5 shall be nontransferable. Licenses to import shall specify the  
6 date of issuance or effect and the date of expiration, which  
7 shall be March 31 of each year. The application shall be made  
8 on a form setting forth the date upon which the importations are  
9 to begin, the address of the location of the importer, and the  
10 name of the proprietor or, if a partnership, the name of the  
11 partnership and the names of all partners or, if a corporation,  
12 the name of the corporation and the names of its officers. The  
13 application for a license to import display fireworks, articles  
14 pyrotechnic, or aerial devices shall include written  
15 documentation of the proposed display event and related contact  
16 information in a form prescribed by the applicable county. If  
17 the state fire council or county discovers at a later date that  
18 a licensee has been convicted of a felony under this chapter,  
19 the licensee's license shall be revoked and no new license shall  
20 be issued to the licensee for two years.



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

16 (c) Permanent and temporary fireworks storage buildings or  
17 structures and buildings or facilities where redistribution  
18 activities are performed shall comply with the currently adopted  
19 county building or fire codes or the latest edition of  
20 nationally recognized standards.



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

18 (e) Aerial devices, display fireworks, or articles  
19 pyrotechnic shall only be sold or transferred by a wholesaler to  
20 a person with a valid permit under sections 132D-10 and 132D-16.  
21 No person with a valid permit under sections 132D-10 and 132D-16



1 shall sell or transfer aerial devices, display fireworks, or  
2 articles pyrotechnic to any other person.

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

5 (g) A licensee under this chapter shall be deemed to have  
6 consented to allow the director or the director's designee to  
7 inspect the premises of the licensee, except the licensee's  
8 private residence. If a licensee withdraws consent to inspect  
9 the premises of the licensee, the license shall be revoked."

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

12 "(b) The department of law enforcement or fire department  
13 of a county, in which a shipment of fireworks or articles  
14 pyrotechnic has landed and becomes subject to the jurisdiction  
15 of the fire department, shall be allowed to inspect, if it  
16 chooses, any shipment declared on the shipping manifest as  
17 fireworks or articles pyrotechnic[-] or any facility in which  
18 fireworks or articles pyrotechnic are to be stored."

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



1           "**§132D-9 Application for permit.** (a) The permit required  
2 under section 132D-10 or 132D-16 shall be issued by the county  
3 or its authorized designees and shall be nontransferable. The  
4 county or its authorized designees shall issue all permits for  
5 which complete applications have been submitted and ~~[which]~~ that  
6 contain only correct information. The permit shall specify the  
7 date of issuance or effect and the date of expiration but in no  
8 case for a period to exceed one year. The permit for the  
9 purchase of consumer fireworks for the purposes of section  
10 132D-3 shall not allow purchase for more than one event as set  
11 forth in section 132D-3. The application shall be made on a  
12 form setting forth the dates for which the permit shall be  
13 valid, the location where the permitted activity is to occur,  
14 and the name of the proprietor or, if a partnership, the name of  
15 the partnership and the names of all partners or, if a  
16 corporation, the name of the corporation and the names of its  
17 officers. The permit application may be denied if the proposed  
18 use of fireworks or articles pyrotechnic presents a substantial  
19 inconvenience to the public or presents an unreasonable fire or  
20 safety hazard.





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

3        (c) A permittee under this chapter shall be deemed to have  
4 consented to allow the director or the director's designee to  
5 inspect the premises of the permittee, except the permittee's  
6 private residence. If a permittee withdraws consent to inspect  
7 the premises of the permittee, the permit shall be revoked."

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

10        "**§132D-14 Penalty.** (a) Any person:

11        (1) Importing aerial devices, display fireworks, or  
12 articles pyrotechnic without having a valid license  
13 under section 132D-7 shall be guilty of a class C  
14 felony;

15        (2) Purchasing, possessing, setting off, igniting, or  
16 discharging aerial devices, display fireworks, or  
17 articles pyrotechnic without a valid permit under  
18 sections 132D-10 and 132D-16, or storing, selling, or  
19 possessing aerial devices, display fireworks, or  
20 articles pyrotechnic without a valid license under  
21 section 132D-7, or allowing an individual to possess,



1 set off, ignite, discharge, or otherwise cause to  
2 explode any aerial device in violation of section  
3 132D-14.5:

4 (A) If the total weight of the aerial devices,  
5 display fireworks, or articles pyrotechnic is  
6 twenty-five pounds or more, shall be guilty of a  
7 class C felony; or

8 (B) If the total weight of the aerial devices,  
9 display fireworks, or articles pyrotechnic is  
10 less than twenty-five pounds, shall be guilty of  
11 a misdemeanor;

12 (3) Who transfers or sells aerial devices, display  
13 fireworks, or articles pyrotechnic to a person who  
14 does not have a valid permit under sections 132D-10  
15 and 132D-16, shall be guilty of a class C felony; and

16 (4) Who removes or extracts the pyrotechnic contents from  
17 any fireworks or articles pyrotechnic and uses the  
18 contents to construct fireworks, articles pyrotechnic,  
19 or a fireworks or articles pyrotechnic related device  
20 shall be guilty of a misdemeanor.



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

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

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

17 (e) For the purposes of this section:

18 (1) Each type of prohibited firework imported, purchased,  
19 sold, possessed, set off, ignited, or discharged shall  
20 constitute a separate violation for each unopened  
21 package; and



1        (2) Each separate firework imported, purchased, sold,  
2        possessed, set off, ignited, or discharged shall be a  
3        separate violation if the package is opened or the  
4        firework is not in a package.

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

6        (1) Means any aerial device, display firework, or article  
7        pyrotechnic:

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

10       (B) With a weight or measure determined in advance of  
11       wholesale or retail sale; and

12       (2) Does not mean:

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

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

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



1                   any particular aerial device, display firework,  
2                   or article 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, 2024.



**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 of 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. (CD1)

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