
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, in an effort to
2 address the problem of illegal fireworks, the legislature passed
3 Act 170, Session Laws of Hawaii 2010, which established the
4 illegal fireworks task force to develop strategies and make
5 recommendations to address the illegal importation and use of
6 fireworks in the State. Among other things, the task force
7 recommended increasing random inspections for illegal fireworks
8 by expanding inspection authority and focusing cargo inspections
9 to make the inspections more manageable.

10 Subsequently, pursuant to Act 184, Session Laws of Hawaii
11 2019, the legislative reference bureau updated the findings and
12 recommendations of the *Report of the Illegal Fireworks Task*
13 *Force to the Legislature for the Regular Session of 2011*. The
14 2019 legislative reference bureau report, *Blast from the Past:*
15 *An Update to the Report of the Illegal Fireworks Task Force to*
16 *the Legislature for the Regular Session of 2011*, indicated that
17 the "majority of respondents to the [Legislative Reference]



1 Bureau's Survey appeared to agree that the issues and challenges
2 presented by the Task Force in its 2011 report remain relevant
3 today".

4 The legislature understands this is a complex issue that
5 will require collaboration from many people and agencies. The
6 intent of this Act is not to attempt to change or diminish the
7 job duties of department of transportation employees who
8 currently have inspection responsibilities, nor is it attempting
9 to interfere with existing collective bargaining agreements.
10 The legislature finds it is important to safeguard the health
11 and safety of those in Hawaii. The use of illegal fireworks
12 often leads to serious, permanent bodily injury or death and
13 causes stress and anxiety for those living with post-traumatic
14 stress disorder.

15 The purpose of this Act is to address the illegal
16 importation and use of fireworks in the State by:

17 (1) Establishing a shipping container inspection program
18 to randomly inspect shipping containers arriving in
19 the State for illegal fireworks, including the use of
20 explosive-sniffing dogs to inspect the containers; and



1 (2) Appropriating funds for the effective detection, safe
2 storage, and disposal of illegal fireworks.

3 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§266- Shipping container inspection program. (a) The
7 department of public safety, in collaboration with the
8 department of transportation, and any other state or federal
9 agencies, including any of the United States armed services, and
10 private organizations involved with shipping cargo into the
11 State, shall develop and implement a program to randomly inspect
12 shipping containers arriving in the State for illegal fireworks
13 being brought into the State. The program shall begin no later
14 than December 1, 2023.

15 (b) The shipping container inspection program shall:

16 (1) Include the use of explosive-sniffing dogs to inspect
17 incoming shipping containers to the greatest extent
18 reasonable at a designated secure site and, if
19 logistically necessary, located away from a commercial
20 harbor;



- 1 (2) Prioritize resources toward high-risk containers over
2 low-risk containers. For purposes of this paragraph,
3 "low-risk container" means shipping containers
4 containing goods to be delivered to the military,
5 state or county agencies, and businesses registered to
6 do business in the State that are determined to be in
7 good standing by the department of commerce and
8 consumer affairs;
- 9 (3) Inspect all shipping containers containing legal
10 fireworks using personnel who are able to distinguish
11 legal fireworks from illegal fireworks at a designated
12 secure site and, if logistically necessary, located
13 away from a commercial harbor; and
- 14 (4) Balance safety concerns with commercial interests to
15 avoid increases in consumer costs.
- 16 (c) All shipping companies or persons that cause a
17 shipping container, crate, flat, or any type of container or
18 vessel containing fireworks to be shipped by ocean-going cargo
19 shall provide all shipping documents, including any invoices,
20 bills of lading, waybills, certificates of origin, export or
21 import licenses, packing list, insurance certificate, inspection



1 certificates, or any other documents created for the shipment of
2 fireworks, to the department of public safety before the ship
3 leaves the port of departure. Any shipping company or person
4 who fails to comply with this subsection shall be fined by the
5 department of public safety no less than \$10,000 for each
6 violation.

7 (c) The department of public safety shall coordinate and
8 conduct the random inspection of shipping containers pursuant to
9 this section. The Hawaii national guard may be utilized to
10 assist in the random inspection of shipping containers.

11 (d) Any container identified by the department of public
12 safety as requiring additional inspection for possible illegal
13 fireworks shall be inspected by the appropriate bargaining unit
14 employees and shall not be performed by a contractor or
15 subcontractor.

16 (e) The department of public safety may request funding
17 from federal sources for homeland security and port security
18 measures and work with the United States military to secure
19 other funding sources for the purposes of the program.

20 (f) The department of public safety shall adopt rules in
21 accordance with chapter 91 for the purposes of this section."



1 SECTION 3. No later than forty days prior to the convening
2 of the regular sessions of 2024 and 2025, the department of
3 public safety shall submit to the legislature reports on the
4 implementation of the shipping container inspection program
5 established pursuant to this Act. The reports shall include
6 findings and recommendations, including costs expended to date,
7 the estimated cost of operating the program, and any proposed
8 legislation.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 for costs to establish and administer the
14 shipping container inspection program, including the purchase,
15 care, and handling of at least two explosive-sniffing dogs.

16 The sums appropriated shall be expended by the department
17 of public safety for the purposes of this Act.

18 SECTION 5. Act , Session Laws of Hawaii 2023, sections
19 2, 3, and 4 are amended by substituting the phrase "department
20 of law enforcement", or similar term, wherever the phrase
21 "department of public safety", or similar term, appears.



1 SECTION 6. New statutory material is underscored.

2 SECTION 7. This Act shall take effect on June 30, 3000;

3 provided that:

4 (1) Section 4 of this Act shall take effect on June 30,
5 3000; and

6 (2) Section 5 shall take effect on June 30, 3000.

7



Report Title:

Illegal Fireworks; DPS; DOT; Shipping Container Inspection
Program; Appropriation

Description:

Establishes and appropriates funds for the shipping container
inspection program set to begin no later than December 1, 2023.
Requires reports to the legislature on implementation of the
shipping container inspection program. Effective 6/30/3000.
(HD1)

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not legislation or evidence of legislative intent.*

