

JAN 25 2023

A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

4 "§132D- Conditions of importation. (a) The importation
5 into the State of any fireworks, articles pyrotechnic, or box,
6 vehicle, baggage, or any other container in which fireworks or
7 articles pyrotechnic have been transported, shall comply with
8 the following:

9 (1) Notification of arrival. Any person who causes
10 fireworks or articles pyrotechnic to be imported into
11 the State as freight, air freight, baggage, or
12 otherwise, for the purpose of debarkation or entry
13 therein, shall immediately upon the arrival thereof,
14 notify the appropriate county fire department, in
15 writing, of the arrival, giving the waybill number,
16 container number, name and address of the consignor,
17 name and address of the consignee or the consignee's



1 agent in the State, marks, number of packages,
2 description of contents in each package, port at which
3 laden, and any other information that may be necessary
4 to locate or identify the same, and shall hold the
5 fireworks or articles pyrotechnic at their final
6 destination in the State in a manner that they will
7 not be removed from the box, vehicle, baggage, or
8 other container until inspection and examination can
9 be made by the county fire department to determine
10 whether or not any article, or any portion thereof, is
11 imported in accordance with the permit. The counties
12 shall adopt ordinances to require identification of
13 specific articles on negotiable and non-negotiable
14 warehouse receipts, bills of lading, or other
15 documents of title for inspection of the fireworks or
16 articles pyrotechnic. Failure to obtain a permit in
17 accordance with this chapter shall be a violation of
18 this section;

19 (2) Authority to inspect. Whenever the county fire
20 department has good cause to believe that any



1 provision of this chapter is being violated, the
2 county fire department may:

3 (A) Enter into any warehouse, pier, or other place
4 where any of the fireworks or articles
5 pyrotechnic are moved and stored, for the purpose
6 of ascertaining, by inspection and examination,
7 whether or not any fireworks or articles
8 pyrotechnic are present; provided that the
9 inspection and examination occurs at the final
10 destination of the shipping container containing
11 fireworks or articles pyrotechnic;

12 (B) Request cargo manifests from aircraft and vessels
13 arriving in the State at random and prohibit the
14 opening of specified cargo until an authorized
15 county fire department representative is present.
16 Upon receiving notice that a county fire
17 department representative's presence is required,
18 opening the cargo prior to the representative's
19 arrival shall constitute a violation of this
20 section; and



1 (C) Inspect any baggage or personal effects of
2 disembarking passengers, officers, and crew
3 members on an aircraft or vessels arriving in the
4 State to ascertain if they contain any fireworks
5 or articles pyrotechnic. No baggage or other
6 personal effects of the passengers or crew
7 members shall be released until the baggage or
8 effects have been passed.

9 Baggage or cargo inspection shall be made at the
10 discretion of the county fire department; provided
11 that any inspection be conducted at the final
12 destination of the cargo or shipping container
13 containing fireworks or articles pyrotechnic; provided
14 further that inspection of any baggage or personal
15 effects of disembarking passengers, officers, and crew
16 members on an aircraft or vessel arriving in the State
17 may occur at the airport or port.

18 Whenever the county fire department
19 representative has good cause to believe that the
20 provisions of this chapter are being violated, the
21 county fire department representative may require that



1 any box, package, suitcase, or any other container
2 carried as ship's stores, cargo, or otherwise by any
3 vessel or aircraft moving between the continental
4 United States and Hawaii or between the Hawaiian
5 Islands, be opened for inspections to determine
6 whether any fireworks or articles pyrotechnic
7 regulated by this chapter or by rules adopted thereto
8 are present; provided that any inspection be conducted
9 at the final destination of the cargo or shipping
10 container containing fireworks or articles
11 pyrotechnic; provided further that inspection of any
12 baggage or personal effects of disembarking
13 passengers, officers, and crew members on an aircraft
14 or vessel arriving in the State may occur at the
15 airport or port. It shall be a violation of this
16 section if any unpermitted firework or article
17 pyrotechnic is found;

18 (3) Request for importation and inspection. In addition
19 to requirements of the United States customs
20 authorities concerning invoices or other formalities
21 incident to importations into the State, the importer



1 shall be required to file a written statement with the
2 appropriate county fire department, signed by the
3 importer or the importer's agent, setting forth the
4 importer's desire to import certain fireworks or
5 articles pyrotechnic into the State and:

6 (A) Identifying the kind, quantity, and description
7 of fireworks or articles pyrotechnic;

8 (B) Specifying the port from which the fireworks or
9 articles pyrotechnic were last shipped;

10 (C) Specifying the name of the shipper;

11 (D) Specifying the name of the consignee; and

12 (E) Providing the appropriate county fire department
13 the opportunity to examine the articles
14 described.

15 Failure or refusal to file a statement shall be a
16 violation of this section and may, in the discretion
17 of the county fire department, be sufficient cause for
18 refusing to permit the entry of fireworks or articles
19 pyrotechnic into the State;

20 (4) Place of inspection. If in the judgment of the county
21 fire department representative, it is deemed necessary



1 or advisable to conduct inspection of a box, baggage,
2 or container for fireworks, the inspection shall be
3 conducted at the final destination of the cargo or
4 shipping container containing fireworks or articles
5 pyrotechnic. All costs and expenses incident to the
6 movement and transportation of the fireworks or
7 articles pyrotechnic to the final destination shall be
8 borne by the importer or the importer's agent;

9 (5) Disposition. Upon completion of inspection, the
10 county fire department representative shall affix to
11 the fireworks or articles pyrotechnic, the container,
12 or both, a tag, label, or stamp to indicate that the
13 firework or article pyrotechnic has been inspected and
14 passed. This action shall constitute a permit to
15 bring the article into the State. The appropriate
16 county fire department shall take custody and
17 possession of and exercise jurisdiction over fireworks
18 or articles pyrotechnic found to violate this section.
19 The shipper or consignee of fireworks or articles
20 pyrotechnic found in violation of this section shall
21 pay for all costs associated with disposal of the



1 fireworks or articles pyrotechnic, including storage,
2 trucking, shipping, and actual disposal;

3 (6) Ports of entry. No firework or article pyrotechnic
4 shall be allowed entry into the State except through
5 the airports and seaports in the State designated and
6 approved by the state fire council; and

7 (7) Transportation and storage of fireworks or articles
8 pyrotechnic found in violation of this section. Each
9 county fire department shall establish and maintain a
10 secure storage site for fireworks or articles
11 pyrotechnic found in violation of this section. The
12 storage site shall be located away from ports of
13 entry. The county fire departments shall authorize
14 the movement of fireworks or articles pyrotechnic
15 found in violation of this section to be transported
16 from the location the fireworks or articles
17 pyrotechnic were found to the secure storage site.

18 Each county fire department may require its authorized
19 agent to escort the fireworks or articles pyrotechnic.
20 The shipper or consignee of fireworks or articles



1 pyrotechnic found in violation of this section shall
2 pay for the transportation costs.

3 (b) Each county shall adopt ordinances to effectuate the
4 purpose of this section.

5 (c) For the purposes of this section:

6 "Inspect" means to examine material to ascertain the
7 presence or absence of fireworks or articles pyrotechnic and to
8 otherwise determine compliance with the provisions of this
9 chapter or any rule or ordinance adopted under this chapter.

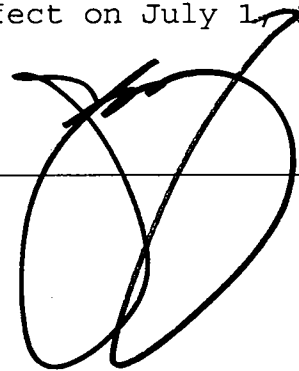
10 "Passed" means the clearance status for entry given an
11 article for import after inspection requirements have been met."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: _____

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S.B. NO. 1481

Report Title:

Fireworks; Importation; Inspection; County Fire Departments;
Ordinances

Description:

Establishes conditions for the importation of fireworks. Authorizes the county fire departments to inspect warehouses, piers, cargo, baggage, and personal effects of persons arriving in the State to ascertain if they contain any fireworks. Requires importers of fireworks to file a written statement with the appropriate county fire department. Allows the county fire departments to take custody and possession of and exercise jurisdiction over illegally imported fireworks. Prohibits the importation of fireworks except through airports and seaports approved by the State Fire Council. Requires each county fire department to establish and maintain a secure storage site for illegally imported fireworks. Requires that each county establish ordinances setting conditions for the importation of fireworks.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

