
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 the destruction and
2 devastation that the setting-off of unpermitted fireworks has
3 had on the people of the State, including multiple deaths and
4 critical injuries of dozens more that occurred on New Year's
5 Eve, December 31, 2024. The legislature recognizes that
6 hundreds of thousands of residents have been traumatized in
7 their homes, along with their pets, by excessive noise, smoke,
8 and airborne debris, often for multiple days during the month of
9 December and at all hours. Their personal safety and private
10 property has also been threatened. The State's emergency
11 response personnel and hospitals are equally burdened by
12 reckless and illegal fireworks activity.

13 The legislature further finds that many of the State's
14 residents do not support illegal fireworks being ignited in
15 their neighborhoods. The people in the State and their
16 communities deserve to live in peace and security, without the
17 public safety risk and disruptive impact of illegal fireworks.



1 The legislature also finds that, in an effort to address
2 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]
18 Bureau's Survey appeared to agree that the issues and challenges
19 presented by the Task Force in its 2011 report remain relevant
20 today". In 2023, pursuant to Act 67, Session Laws of Hawaii
21 2023, an illegal fireworks task force was established within the



1 newly created department of law enforcement to, using the
2 findings from the 2019 report, develop "a comprehensive
3 strategic plan to stop the importation of illegal fireworks and
4 explosives into Hawaii; promote compliance with the state
5 fireworks control laws; and ensure the safety and security of
6 the airports, harbors, and other facilities and institutions in
7 the State against the discharge of illegal fireworks and
8 explosives".

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

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



- 1 (1) Establishing a shipping container inspection program
- 2 to conduct random and risk-based inspections of
- 3 shipping containers arriving in the State for illegal
- 4 fireworks, including the use of fireworks sniffing
- 5 dogs to inspect the containers; and
- 6 (2) Appropriating funds to the department of law
- 7 enforcement for the effective detection, safe storage,
- 8 and disposal of illegal fireworks.

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

12 "§266- Shipping container inspection program. (a) The
 13 department of law enforcement, in collaboration with the
 14 department of transportation, and any other state or federal
 15 agencies, including any of the United States armed services, and
 16 private organizations involved with shipping cargo into the
 17 State, shall develop and implement a program to conduct random
 18 and risk-based inspections of shipping containers arriving in
 19 the State for illegal fireworks being brought into the State.
 20 The program shall begin as soon as is practical but no later
 21 than July 1, 2027.



- 1 (b) The shipping container inspection program shall:
- 2 (1) Include the use of fireworks- or explosive-sniffing
3 dogs to inspect incoming shipping containers to the
4 greatest extent reasonable at a designated secure
5 site, and if logistically necessary, located away from
6 a commercial harbor;
- 7 (2) Prioritize resources toward high-risk containers over
8 low-risk containers. For the purposes of this
9 paragraph, "low-risk container" means shipping
10 containers containing goods to be delivered to the
11 military, state or county agencies, and businesses
12 registered to do business in the State that are
13 determined to be in good standing by the department of
14 commerce and consumer affairs;
- 15 (3) Inspect all shipping containers containing legal
16 fireworks using personnel who are able to distinguish
17 legal fireworks from illegal fireworks at a designated
18 secure site and, if logistically necessary, located
19 away from a commercial harbor; and
- 20 (4) Balance safety concerns with commercial interests to
21 avoid increases in consumer costs.



1 (c) The department of law enforcement shall coordinate and
2 conduct the random inspection of shipping containers pursuant to
3 this section. The Hawaii national guard may be utilized to
4 assist in the random inspection of shipping containers.

5 (d) Any container identified by the department of law
6 enforcement as requiring additional inspection for possible
7 illegal fireworks shall be inspected by the appropriate
8 bargaining unit employees and shall not be performed by a
9 contractor or subcontractor.

10 (e) The department of law enforcement and department of
11 transportation shall designate a secure site, outside the
12 immediate port area, where container inspections pursuant to
13 this section shall occur, in order to not impede port activities
14 including the moving of containers.

15 (f) The department of law enforcement shall retain
16 responsibility for securing any illegal goods recovered in
17 accordance with this section.

18 (g) Employees of the department of law enforcement and
19 department of transportation shall be immune from liability in
20 their personal capacity if damages occur when acting in
21 accordance with this section. Except for any illegal



1 commodities, any damages to container goods shall be borne by
2 the State.

3 (h) The department of law enforcement may request funding
4 from federal sources for homeland security and port security
5 measures and work with the United States military to secure
6 other funding sources for the purposes of the program.

7 (i) The department of law enforcement shall adopt rules in
8 accordance with chapter 91 for the purposes of this section."

9 SECTION 3. No later than forty days prior to the convening
10 of the regular sessions of 2026 and 2027, the department of law
11 enforcement shall submit to the legislature reports on the
12 implementation of the shipping container inspection program
13 established pursuant to this Act. The reports shall include
14 findings and recommendations, including costs expended to date,
15 the estimated cost of operating the program, and any proposed
16 legislation.

17 SECTION 4. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$750,000 or so much
19 thereof as may be necessary for fiscal year 2025-2026 and the
20 same sum or so much thereof as may be necessary for fiscal year
21 2026-2027 for costs to establish and administer the shipping



1 container inspection program, including the purchase, care, and
2 handling of at least two fireworks- or explosive-sniffing dogs.

3 The sums appropriated shall be expended by the department
4 of law enforcement for the purposes of this Act.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

DLE; DOT; Illegal Fireworks; Shipping Container Inspection Program; Reports; Appropriations

Description:

Establishes the Shipping Container Inspection Program. Requires the Department of Law Enforcement to submit reports to the Legislature on implementation of the Shipping Container Inspection Program. Exempts employees of the Department of Transportation and DLE from personal liability under certain conditions. Requires any damages to container goods be borne by the State. Requires DLE and DOT to designate a site outside of the immediate port area to conduct inspections. Require the DLE to secure all illegal goods. Appropriates funds. Effective 7/1/2050. (SD1)

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

