

1 missile-type rockets, helicopters, torpedoes, daygo bombs, roman
2 candles, flying pigs, and jumping jacks that move about the
3 ground farther than a circle with a radius of twelve feet as
4 measured from the point where the item was placed and ignited,
5 aerial shells, and mines.

6 "Articles pyrotechnic" means pyrotechnic devices for
7 professional use similar to consumer fireworks in chemical
8 composition and construction but not intended for consumer use
9 that meet the weight limits for consumer fireworks but are not
10 labeled as such, and that are classified as UN0431 or UN0432 by
11 the United States Department of Transportation.

12 "Consumer fireworks" means any fireworks designed primarily
13 for retail sale to the public during authorized dates and times,
14 that produces visible or audible effects by combustion, and that
15 is designed to remain on or near the ground and, while
16 stationary or spinning rapidly on or near the ground, emits
17 smoke, a shower of colored sparks, whistling effects, flutter
18 sparks, or balls of colored sparks, and includes combination
19 items that contain one or more of these effects. "Consumer
20 fireworks" comply with the construction, chemical composition,
21 and labeling regulations of the United States Consumer Product



1 Safety Commission as set forth in Title 16 Code of Federal
2 Regulations and fireworks classified as UN0336 and UN0337 by the
3 United States Department of Transportation as set forth in Title
4 49 Code of Federal Regulations. "Consumer fireworks" include
5 firework items commonly known as firecrackers that are single
6 paper cylinders not exceeding one and one-half inches in length
7 excluding the fuse and one-quarter of an inch in diameter and
8 contain a charge of not more than fifty milligrams of
9 pyrotechnic composition, snakes, sparklers, fountains, and
10 cylindrical or cone fountains that emit effects up to a height
11 not greater than twelve feet above the ground, illuminating
12 torches, bamboo cannons, whistles, toy smoke devices, wheels,
13 and ground spinners that when ignited remain within a circle
14 with a radius of twelve feet as measured from the point where
15 the item was placed and ignited, novelty or trick items,
16 combination items, and other fireworks of like construction that
17 are designed to produce the same or similar effects.

18 "Cultural" means relating to the arts, customs, traditions,
19 mores, and history of all of the various ethnic groups of
20 Hawaii.



1 "Display" means the use of aerial devices, display
2 fireworks, or articles pyrotechnic for any activity, including
3 such activities as movie or television production.

4 "Display fireworks" means any fireworks designed primarily
5 for exhibition display by producing visible or audible effects
6 and classified as display fireworks or contained in the
7 regulations of the United States Department of Transportation
8 and designated as UN0333, UN0334, or UN0335, and includes
9 salutes containing more than two grains (one hundred and thirty
10 milligrams) of explosive materials, aerial shells containing
11 more than forty grams of pyrotechnic compositions, and other
12 display pieces which exceed the limits of explosive materials
13 for classification as "consumer fireworks". This term also
14 includes fused setpieces containing components, which together
15 exceed fifty milligrams of salute power.

16 "Fireworks" means any combustible or explosive composition,
17 or any substance or combination of substances, or article
18 prepared for the purpose of producing a visible or audible
19 effect by combustion, explosion, deflagration, or detonation and
20 that meets the definition of aerial device or consumer or
21 display fireworks as defined by this section and contained in



1 the regulations of the United States Department of
2 Transportation as set forth in Title 49 Code of Federal
3 Regulations. "Fireworks" does not include any explosives or
4 pyrotechnics regulated under chapter 396, automotive safety
5 flares, toy pistols, toy cannons, toy guns, party poppers,
6 pop-its, or other devices that contain twenty-five hundredths of
7 a grain or less of explosive substance.

8 "Import" (and any nounal, verbal, adjectival, adverbial,
9 and other equivalent form of the term used interchangeably in
10 this chapter) means to bring or attempt to bring fireworks into
11 the State or to cause fireworks to be brought into the State,
12 and includes fireworks labeled or designated as samples, even if
13 not intended for retail sale.

14 "License" means a nontransferable, formal authorization,
15 valid for a period not to exceed one calendar year from the date
16 of issuance and which the department is hereby authorized to
17 issue under this chapter, to engage in the act or acts
18 specifically designated herein.

19 "Movie" or "television production" means a series of
20 activities that are directly related to the creation of visual
21 and cinematic imagery to be delivered via film, videotape, or



1 digital media and are to be sold, distributed, or displayed as
2 entertainment or the advertisement of products for mass public
3 consumption, including scripting, casting, set design and
4 construction, transportation, videography, photography, sound
5 recording, interactive game design, and post production.

6 "Permanent" means the state of one object being affixed to
7 another object by glue or other means in a manner that the
8 affixed object is intended to not be easily removable.

9 "Permanent fireworks storage building or structure" means a
10 building or structure affixed to a foundation on a site and
11 having fixed utility connections, which is intended to remain on
12 the site for more than one hundred eighty consecutive calendar
13 days in a twelve-month period for the purpose of receiving,
14 storing, or shipping fireworks, but in which no manufacturing of
15 fireworks is performed.

16 "Pyrotechnic composition" or "pyrotechnic contents" means
17 the combustible or explosive component of fireworks.

18 "Temporary fireworks storage building or structure" means a
19 building or structure that is used for fireworks storage for one
20 hundred eighty days or less in a twelve-month period.



1 **§ -3 Permissible uses of consumer fireworks.** Consumer
2 fireworks may be set off, ignited, discharged, or otherwise
3 caused to explode within the State only:

4 (1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New
5 Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New
6 Year's Day; and from 1:00 p.m. to 9:00 p.m. on the
7 Fourth of July; or

8 (2) From 9:00 a.m. to 9:00 p.m. for a cultural use;
9 provided that the purchase of not more than five thousand
10 individual consumer fireworks commonly known as firecrackers
11 shall be allowed by any individual.

12 **§ -4 Certain fireworks; prohibited.** It shall be
13 unlawful for any person to possess; store; set off, ignite, or
14 otherwise cause to explode; import; sell; offer to sell;
15 purchase; or offer to purchase:

- 16 (1) Aerial devices;
17 (2) Articles pyrotechnic; or
18 (3) Display fireworks,
19 for any purpose, whether personal or commercial.

20 **§ -5 General prohibitions.** (a) It shall be unlawful
21 for any person to:



- 1 (1) Remove or extract the pyrotechnic contents from any
- 2 fireworks;
- 3 (2) Throw any ignited fireworks:
- 4 (A) From, at, or into a vehicle;
- 5 (B) At a person or an animal; and
- 6 (C) From above the first floor of any building; or
- 7 (3) Set off, ignite, discharge, or otherwise cause to
- 8 explode any fireworks:
- 9 (A) Above the first floor of any building;
- 10 (B) In any vehicle;
- 11 (C) At any time not within the periods for use
- 12 prescribed in section -3;
- 13 (D) Within one thousand feet of any operating
- 14 hospital, licensed convalescent home, licensed
- 15 home for the elderly, zoo, licensed animal
- 16 shelter, or licensed animal hospital;
- 17 (E) In any school building, or on any school grounds
- 18 and yards without first obtaining authorization
- 19 from appropriate school officials;
- 20 (F) On any highway, alley, street, sidewalk, or other
- 21 public way; in any park; on any public beach; in



1 any officially designated forest or wildlife
 2 preserve; within fifty feet of a canefield; or
 3 within one thousand feet of any building used for
 4 public worship during the periods when services
 5 are held; and

6 (G) Within five hundred feet of any hotel.

7 (b) It shall be unlawful to purchase consumer fireworks
 8 more than five calendar days before the time periods for
 9 permissible use under section -3.

10 (c) It shall be unlawful to sell consumer fireworks after
 11 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's
 12 Day, and 8:00 p.m. on the Fourth of July.

13 § -6 **Exceptions.** (a) The prohibitions in section -5
 14 shall not apply to:

15 (1) The use of flares, noisemakers, or signals for
 16 warning, pest control, or illumination purposes by
 17 police and fire departments, utility companies,
 18 transportation agencies, and other governmental or
 19 private agencies or persons, including agricultural
 20 operations, in connection with emergencies, their
 21 duties, or business;



1 (2) The sale or use of blank cartridges for a show or
2 theater, or for signal, commercial, or institutional
3 purposes in athletics or sports;

4 (3) The purchase and use of consumer fireworks in a movie,
5 television production, or theatrical production; and

6 (4) The testing, disposal, or destruction of illegal
7 fireworks by an agency with authority to enforce this
8 chapter.

9 (b) Nothing in this chapter shall be construed to apply to
10 the possession, storage, sale, or use of explosives and
11 combustibles in accordance with chapter 396.

12 § -7 **Licenses required.** A person shall not import or
13 sell, offer to sell, or store for sale, consumer fireworks,
14 unless the person has a valid license issued by the county.

15 § -8 **Application for license.** (a) All licenses
16 required under section -7 shall be issued by the county and
17 shall be nontransferable. Licenses to import shall specify the
18 date of issuance or effect and the date of expiration, which
19 shall be March 31 of each year. The application shall be made
20 on a form setting forth the date upon which the importations are
21 to begin, the address of the location of the importer, and the



1 name of the proprietor or, if a partnership, the name of the
2 partnership and the names of all partners or, if a corporation,
3 the name of the corporation and the names of its officers. If
4 the state fire council or county discovers at a later date that
5 a licensee has been convicted of a felony under this chapter,
6 the licensee's license shall be revoked and no new license shall
7 be issued to the licensee for two years.

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

8 **§ -9 Requirements of licensee.** (a) Any person who has
9 obtained a license under section -7 and ships consumer
10 fireworks into the State shall:

11 (1) Clearly state the contents of the shipment on the bill
12 of lading or shipping manifest with specificity;

13 (2) Declare on the bill of lading or shipping manifest the
14 gross weight of consumer fireworks to be imported in
15 each shipment and the location of the storage
16 facility, if applicable, in which the consumer
17 fireworks are to be stored;

18 (3) Prior to shipment and when booking each shipment of
19 consumer fireworks, notify the appropriate county
20 official as determined by the county regarding whether
21 the shipment will be distributed from:



- 1 (A) Pier to pier;
- 2 (B) Pier to warehouse or storage facility; or
- 3 (C) Pier to redistribution;
- 4 (4) Prior to booking the shipment, provide to the
- 5 applicable county fire chief:
 - 6 (A) Written documentation regarding any cultural use
 - 7 event and related contact information to allow
 - 8 the fire chief to validate the cultural use
 - 9 event; and
 - 10 (B) An inventory breakdown for each cultural use
 - 11 event; and
- 12 (5) At the time shipping is booked, the importer or
- 13 consignee shall notify the appropriate county official
- 14 as determined by the county in writing of the expected
- 15 shipment's landing date.
- 16 (b) The fire department of a county, in which a shipment
- 17 of consumer fireworks has landed and becomes subject to the
- 18 jurisdiction of the fire department, shall be allowed to
- 19 inspect, if it chooses, any shipment declared on the shipping
- 20 manifest as consumer fireworks.



1 (c) The facility in which consumer fireworks are to be
2 stored shall:

3 (1) Have received approval fifteen days prior to the
4 shipment's arrival from the appropriate county fire
5 department; and

6 (2) Meet all state and county fire and safety codes.

7 (d) Any consumer fireworks landed in the State shall be
8 subject to seizure and forfeiture if:

9 (1) The importer or consignee does not have in the
10 importer's or consignee's possession a valid license
11 to import consumer fireworks under section -7;

12 (2) The consignee does not have a valid license to store
13 consumer fireworks under section -7; or

14 (3) The consumer fireworks have not been declared or have
15 been misdeclared in violation of subsection (a).

16 (e) No person holding a retailer license to sell consumer
17 fireworks shall be allowed to sell consumer fireworks commonly
18 known as firecrackers in a packet size larger than five thousand
19 individual units. Any person violating this subsection shall be
20 guilty of a misdemeanor.



1 (f) Any person violating subsection (a), (c), or (d) shall
2 be subject to the following for shipments of consumer fireworks
3 of:

4 (1) Twenty-five pounds or less gross weight shall be a
5 petty misdemeanor;

6 (2) More than twenty-five pounds to three hundred pounds
7 gross weight shall be a misdemeanor;

8 (3) More than three hundred pounds to ten thousand pounds
9 gross weight shall be a class C felony; and

10 (4) More than ten thousand pounds gross weight shall be a
11 class B felony.

12 § -10 **Fee for licensees.** (a) The fee for the license
13 required under section -7 shall be \$3,000 for importers,
14 \$2,000 for each wholesaler's site, \$1,000 for each storage site,
15 and \$500 for each retailer's site for each year or fraction of a
16 year in which the licensee plans to conduct business and shall
17 be payable to the county. The license fees shall be used solely
18 by each county fire department to pay for the salary of an
19 auditor of consumer fireworks records and all expenses incurred
20 to fulfill the duties required, including the inspection of
21 inventory and storage facilities, maintenance of required



1 records, and the training of the auditor. The auditor of
2 consumer fireworks records shall monitor strict inventory and
3 recordkeeping requirements to ensure that sales of consumer
4 fireworks are made only by persons licensed pursuant to this
5 chapter. The auditor of consumer fireworks records shall submit
6 an annual report to the legislature no later than twenty days
7 prior to the convening of each regular session detailing the
8 inventory, recordkeeping, and sales of consumer fireworks to
9 license holders. The county shall provide an exemption from the
10 fees under this section to nonprofit community groups for the
11 importation and storage of consumer fireworks for cultural use
12 events once a year.

13 (b) The fee for the license required under section -7
14 shall be the fee specified in subsection (a) for each year,
15 fraction of a year, or cultural use event in which the licensee
16 plans to conduct business and shall be payable to the county in
17 which the cultural use event is to occur.

18 § -11 **Minors; prohibitions.** It shall be unlawful for
19 any person to sell, offer for sale, or give any consumer
20 fireworks to any minor, or for any minor to possess, purchase,



1 sell, or set off, ignite, or otherwise cause to explode any
2 consumer fireworks except as provided in section -12.

3 **§ -12 Liability of parents or guardians.** Any parent,
4 guardian, or other person having the custody or control of any
5 minor, who knowingly permits the minor to possess, purchase, or
6 set off, ignite, or otherwise cause to explode any fireworks or
7 articles pyrotechnic, shall be deemed to be in violation of this
8 chapter and shall be subject to the penalties thereunder, except
9 that the parents or guardian may allow the minor to use consumer
10 fireworks while under the immediate supervision and control of
11 the parent or guardian, or under the supervision and control of
12 another adult.

13 **§ -13 Penalty.** (a) Any person who:

14 (1) Imports aerial devices, display fireworks, or articles
15 pyrotechnic shall be guilty of a class C felony;

16 (2) Purchases, possesses, sets off, ignites, or discharges
17 aerial devices, display fireworks, or articles
18 pyrotechnic, or stores, sells, or possesses aerial
19 devices, display fireworks, or articles pyrotechnic,
20 or allows an individual to possess, set off, ignite,



1 or otherwise cause to explode any aerial device in
2 violation of section -14:
3 (A) If the total weight of the aerial devices,
4 display fireworks, or articles pyrotechnic is
5 twenty-five pounds or more, shall be guilty of a
6 class C felony; or
7 (B) If the total weight of the aerial devices,
8 display fireworks, or articles pyrotechnic is
9 less than twenty-five pounds, shall be guilty of
10 a misdemeanor;
11 (3) Transfers or sells aerial devices, display fireworks,
12 or articles pyrotechnic shall be guilty of a class C
13 felony; or
14 (4) Removes or extracts the pyrotechnic contents from any
15 fireworks or articles pyrotechnic and uses the
16 contents to construct fireworks, articles pyrotechnic,
17 or a fireworks or articles pyrotechnic related device
18 shall be guilty of a misdemeanor.
19 (b) Except as provided in subsection (a) or as otherwise
20 specifically provided for in this chapter, any person who
21 violates any other provision of this chapter, shall be fined no



1 more than \$5,000 for each violation. Notwithstanding any
2 provision to the contrary in this section, any person who
3 violates section -14 shall be fined at least \$500 and no more
4 than \$5,000.

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

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

14 **§ -14 Liability of homeowner, renter, or person**
15 **otherwise responsible for real property.** A homeowner, renter,
16 or person otherwise responsible for the real property who
17 intentionally, knowingly, or recklessly allows an individual,
18 while on the real property, to possess, set off, ignite, or
19 otherwise cause to explode any aerial device shall be deemed to
20 be in violation of this chapter and shall be subject to the
21 penalties specified in section -13(a)(2) and (b).



1 § **-15 Notice requirements.** Each licensed retail outlet
2 shall post adequate notice that clearly cautions each person
3 purchasing fireworks of the prohibitions, liabilities, and
4 penalties incorporated in sections -11, -12, and -13.

5 § **-16 County ordinances.** (a) Nothing in this chapter
6 shall be construed to supersede or in any manner affect a county
7 fireworks ordinance; provided that the ordinance is at least as
8 stringent in the control or prohibition of fireworks as the law
9 under this chapter.

10 (b) Nothing in this chapter shall prohibit a county from
11 enacting ordinances that are more stringent in the control or
12 prohibition of fireworks than this chapter.

13 § **-17 Enforcement; probable cause for arrest.** (a) This
14 chapter shall be enforced by each county. The counties are
15 authorized to enforce and administer the provisions of this
16 chapter.

17 (b) Arrests for offenses under this chapter or under a
18 county fireworks ordinance shall be made in compliance with
19 chapter 803. The facts and circumstances to establish probable
20 cause for an arrest may include but are not limited to:



1 (1) Statements from individuals who witnessed the offense,
2 even if those individuals are not law enforcement
3 officers; and

4 (2) Photographs, video recordings, or other recordings
5 that show the commission of the offense and can be
6 authenticated by one or more witnesses; provided that
7 a recording made using an unmanned aerial vehicle
8 shall be exempt from the requirement of authentication
9 by one or more witnesses.

10 (c) For the purposes of this section:

11 "Other recording" means any image or series of images.

12 "Unmanned aerial vehicle" means any aerial vehicle that is
13 operated without the possibility of direct human intervention
14 within or on the aerial vehicle. "Unmanned aerial vehicle" does
15 not include a remote-controlled airplane.

16 **§ -18 Health care facilities; report of fireworks and**
17 **articles pyrotechnic incidents.** (a) Each health care facility
18 in this State shall report all incidents of serious injuries and
19 fatalities caused by legal and illegal fireworks or articles
20 pyrotechnic to the department of health and the police
21 department of the county in which the person was attended or



1 treated. Each reports shall be in writing or in the manner
2 specified by the department of health.

3 (b) As used in this section, "health care facility"
4 includes any outpatient clinic, emergency room, or physician's
5 office, private or public, whether organized for profit or not,
6 used, operated, or designed to provide medical diagnosis,
7 treatment, nursing, rehabilitative, or preventive care to any
8 person or persons. "Health care facility" includes health care
9 facilities that are commonly referred to as hospitals, extended
10 care and rehabilitation centers, nursing homes, skilled nursing
11 facilities, intermediate care facilities, hospices for the
12 terminally ill that require licensure or certification by the
13 department of health, kidney disease treatment centers,
14 including freestanding hemodialysis units, outpatient clinics,
15 organized ambulatory health care facilities, emergency care
16 facilities and centers, home health agencies, health maintenance
17 organizations, and others providing similarly organized services
18 regardless of nomenclature."

19 SECTION 2. Section 712-1270, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§712-1270 Places used to commit offenses against public
2 health and morals or other offenses, a nuisance. Every
3 building, premises, or place used for the purpose of violating:

4 (1) Those laws pertaining to offenses against public
5 health and morals contained in this chapter, except
6 offenses under part IV that do not involve the
7 manufacture or distribution of drugs and activities
8 under part III that involve only social gambling as
9 defined in section 712-1231(a);

10 (2) Section [~~132D-14(a)(1)~~] -13(a)(1) or (3); or

11 (3) Any offense under part II of chapter 708 that involves
12 a person unlawfully residing on or otherwise occupying
13 real property to which the person has no title, lease,
14 or other legal claim,

15 and every building, premises, or place in or upon which
16 violations of any of the laws set forth in paragraph (1), (2),
17 or (3) are held or occur, is a nuisance that shall be enjoined,
18 abated, and prevented, regardless of whether it is a public or
19 private nuisance."

20 SECTION 3. Section 712-1270.3, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§712-1270.3 Citizen's rights.** Any citizen who brings a
2 nuisance abatement suit against a place used for the purpose of
3 committing:

4 (1) Fireworks related offenses contained in section [~~132D-~~
5 ~~14(a)-(1)~~] -13(a)(1) or (3); or

6 (2) Drug offenses under part IV of this chapter or who
7 files a complaint with the local police or drug
8 nuisance abatement unit of the department of the
9 attorney general,

10 shall be entitled to the same rights and protections of victims
11 and witnesses in criminal proceedings in accordance with
12 chapter 801D."

13 SECTION 4. Section 712-1281, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**[+]§712-1281 Forfeiture; fireworks. [+]** In addition to any
16 other penalty that may be imposed for violation of section [~~132D-~~
17 ~~14(a)-(1)~~] -13(a)(1) or (3), any property used or intended for
18 use in the commission of, attempt to commit, or conspiracy to
19 commit an offense under section [~~132D-14(a)-(1)~~] -13(a)(1)
20 or (3), or that facilitated or assisted such activity, and any
21 proceeds or other property acquired or maintained with the



1 proceeds from violation of section [~~132D-14(a)(1)~~] -13(a)(1)
2 or (3) may be subject to forfeiture pursuant to chapter 712A."

3 SECTION 5. Chapter 132D, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 6. All rules, policies, procedures, guidelines,
6 and other material adopted or developed by any state or county
7 agency before the effective date of this Act to implement
8 provisions of the Hawaii Revised Statutes repealed or amended by
9 this Act shall remain in full force and effect, to the extent
10 the new provisions of the Hawaii Revised Statutes established by
11 this Act are substantively similar to the repealed or amended
12 provisions of the Hawaii Revised Statutes. Rules, policies,
13 procedures, guidelines, and other material remaining in effect
14 pursuant to this section may be amended, repealed, or rescinded
15 pursuant to applicable law.

16 SECTION 7. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 8. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 611

1 SECTION 9. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY:

Kurt Feilke



S.B. NO. 611

Report Title:

Fireworks; General Prohibition; Consumer Fireworks Exempted

Description:

Prohibits the sale, importation, personal use, and commercial use of all fireworks, except consumer fireworks. Removes permitting requirements for consumer fireworks.

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

