
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. The legislature recognizes that Act 170,
2 Session Laws of Hawaii 2010, established the illegal fireworks
3 task force to develop strategies and make recommendations to the
4 legislature to address the illegal importation and use of
5 fireworks in the State. Among other recommendations, the task
6 force recommended increasing random inspections for illegal
7 fireworks by expanding inspection authority and focusing cargo
8 inspections to make the inspections more manageable.

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



1 presented by the Task Force in its 2011 report remain relevant
2 today". The report also noted that the Kauai Fire Department
3 "recommended that '[m]ore inspections of shipping containers'
4 should be conducted".

5 The legislature also recognizes that fireworks-related
6 offenses occur all too often within the State, and often cause
7 devastating physical harm to residents. The legislature
8 particularly notes the recent mass casualty incident in Salt
9 Lake on Oahu, on December 31, 2024, in which fireworks killed at
10 least four people and injured dozens more. The legislature
11 acknowledges the urgent need to eliminate the supply of illegal
12 fireworks entering the State.

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

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

20 (2) Creating the shipping container inspection program
21 special fund to collect shipping container import fees



1 established under this Act and appropriating funds for
2 the shipping container inspection program;

3 (3) Amending the definitions of "aerial devices" and
4 "fireworks" within state fireworks law; and

5 (4) Appropriating moneys.

6 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 **"§266-A Shipping container inspection program. (a) The**
10 department of law enforcement, in collaboration with the
11 department of defense and department of transportation; any
12 federal agencies, including any of the United States armed
13 services, state agencies; and private organizations involved
14 with shipping cargo into the State, shall develop and implement
15 a program to randomly inspect shipping containers arriving in
16 Honolulu for illegal fireworks and explosives smuggled into the
17 State. The program shall begin no later than October 1, 2025.

18 (b) The shipping container inspection program shall:

19 (1) Use x-ray machines to inspect each incoming shipping
20 container;



1 (2) Use explosive-sniffing dogs as a secondary form of
2 inspection of incoming shipping containers;

3 (3) Conduct each inspection in a non-active harbor, to
4 avoid interfering with shipping operations in active
5 harbor areas; and

6 (4) Balance safety concerns with commercial interests to
7 avoid increases in consumer costs.

8 (c) Beginning July 1, 2025, the department of
9 transportation shall assess a fee of \$1 for each shipping
10 container arriving in the State. All fees received by the
11 department of transportation pursuant to this subsection shall
12 be deposited into the shipping container inspection program
13 special fund established under section 266-B.

14 (d) The department of law enforcement shall coordinate and
15 conduct the random inspection of shipping containers pursuant to
16 this section. The Hawaii national guard may be requested to
17 assist in this effort.

18 (e) Any additional inspections shall be conducted by
19 members of an appropriate bargaining unit who are subject to
20 chapter 89, and not by individuals contracted or subcontracted
21 by the department of law enforcement.



1 (f) Any inspections conducted offsite shall be conducted
2 within twenty-four hours of initial arrival at the final
3 container drop-off location or in a non-active harbor area,
4 subject to the director of transportation's discretion.

5 (g) Any contraband discovered during a shipping container
6 inspection shall be investigated by a law enforcement agency.

7 (h) Any person who tampers with secure container seals
8 shall be subject to a fine of not less than \$.

9 (i) The department of law enforcement may request funding
10 from the federal government for homeland security and port
11 security measures and work with the military to secure other
12 funding sources for the purposes of the program.

13 (j) The department of law enforcement shall adopt rules
14 pursuant to chapter 91 necessary for the purposes of this
15 section.

16 **\$266-B Shipping container inspection program special fund.**

17 (a) There is established in the state treasury the shipping
18 container inspection program special fund, into which shall be
19 deposited:

20 (1) Appropriations by the legislature to the special fund;



1 (2) Gifts, donations, and grants from public agencies and
2 private persons; and

3 (3) All proceeds collected by the department of
4 transportation from shipping container import fees
5 under section 266-A(c).

6 (b) All moneys in the special fund shall be used for
7 support and administration of the shipping container inspection
8 program established under section 266-A."

9 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending the definition of "aerial device" to read:

12 "Aerial device" means any fireworks ~~[containing one~~
13 ~~hundred thirty milligrams or less of explosive materials]~~ that
14 produces an audible or visible effect and is designed to rise
15 into the air and explode or detonate in the air ~~[or]~~, to fly
16 about above the ground, ~~[and that is prohibited for use by any~~
17 ~~person who does not have a permit for display issued by a county~~
18 ~~under section 132D-16.]~~ or to emit flaming fireballs. "Aerial
19 devices" includes devices classified as fireworks under UN0336
20 and UN0337 by the United States Department of Transportation as
21 set forth in Title 49 Code of Federal Regulations ~~[include~~



1 ~~firework items]~~, as containing one hundred thirty milligrams or
2 less of explosive materials, and that are commonly known as
3 bottle rockets, sky rockets, missile-type rockets, helicopters,
4 torpedoes, daygo bombs, roman candles, flying pigs, and jumping
5 jacks that move about the ground farther than a circle with a
6 radius of twelve feet as measured from the point where the item
7 was placed and ignited, aerial shells, and mines."

8 2. By amending the definition of "fireworks" to read:

9 ""Fireworks" means any combustible or explosive
10 composition, or any substance or combination of substances, [~~or~~
11 ~~article prepared for the purpose of producing]~~ designed to
12 produce a visible or audible effect by combustion, explosion,
13 deflagration, or detonation, and meets the definition of aerial
14 device or consumer or display fireworks as defined by this
15 section. "Fireworks" includes any composition or device that
16 meets the definition of aerial device or consumer or display
17 fireworks as defined by this section and contained in the
18 regulations of the United States Department of Transportation as
19 set forth in Title 49 Code of Federal Regulations. The term
20 "fireworks" shall not include any explosives or pyrotechnics
21 regulated under chapter 396 or automotive safety flares, nor



1 shall the term be construed to include toy pistols, toy cannons,
2 toy guns, party poppers, pop-its, or ~~[other]~~ similar devices
3 ~~[which contain twenty-five hundredths of a grain or less of~~
4 ~~explosive substance]."~~

5 SECTION 4. No later than twenty days prior to the
6 convening of the regular sessions of 2026 and 2027, the
7 department of law enforcement shall submit to the legislature a
8 report on the implementation of the shipping container
9 inspection program established pursuant to this Act. The
10 reports shall include findings and recommendations, including
11 costs expended to date, the estimated cost of operating the
12 program, and any proposed legislation.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2025-2026 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2026-2027 for costs to establish and administer the shipping
18 container inspection program, including the purchase of no less
19 than x-ray machines and the purchase, care, and handling of
20 no less than two explosive-sniffing dogs.



H.B. NO. 608

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

3 SECTION 6. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect on July 1, 2025.

10
INTRODUCED BY:

Kanani Sany

JAN 17 2025



H.B. NO. 608

Report Title:

Illegal Fireworks; Shipping Container Inspection Program;
Special Fund; Fees; Fines; Appropriations

Description:

Establishes the shipping container inspection program and shipping container inspection program special fund. Amends the definitions of "aerial devices" and "fireworks" within state fireworks law. Requires reports to the Legislature on implementation of the shipping container inspection program. Appropriates moneys.

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

