

JAN 17 2025

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 the illegal use,
2 possession, and distribution of fireworks continues to endanger
3 public safety, property, and the environment in the State.
4 Despite existing laws and enforcement efforts, unauthorized
5 fireworks persist, causing disturbances and posing significant
6 risks to residents.

7 Accordingly, the purpose of this Act is to prohibit the
8 sale and use of consumer fireworks and to establish civil
9 penalties for violations of the prohibition.

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

13 **"§132D- Firework forfeiture special fund; established.**

14 (a) There is established in the state treasury the firework
15 forfeiture special fund to be administered by the department of
16 law enforcement into which shall be deposited the proceeds
17 collected pursuant to section 132D-14.



1 (b) The purpose of the special fund is to provide for
2 community safety education programs."

3 SECTION 3. Section 132D-5, Hawaii Revised Statutes, is
4 amended by amending subsections (b) and (c) to read as follows:

5 "(b) ~~[It]~~ Except as provided for in sections 132D-6 and
6 132D-7, it shall be unlawful to purchase, use, or sell consumer
7 fireworks ~~[more than five calendar days before the time periods~~
8 ~~for permissible use under section 132D-3].~~

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

12 SECTION 4. Section 132D-8, Hawaii Revised Statutes, is
13 amended by amending subsection (d) to read as follows:

14 "(d) It shall be unlawful for any licensee, other than a
15 wholesaler who is selling or transferring fireworks or articles
16 pyrotechnic to a licensed retailer, to sell or offer to sell,
17 exchange for consideration, give, transfer, or donate any
18 fireworks or articles pyrotechnic at any time to any person who
19 does not present a permit duly issued as required by section
20 132D-10 or 132D-16. The permit shall be signed by the seller or
21 transferor at the time of sale or transfer of the fireworks or



1 articles pyrotechnic, and the seller or transferor shall
2 indicate on the permit the amount and type of fireworks or
3 articles pyrotechnic sold or transferred. No person shall sell
4 or deliver fireworks to any permittee in any amount in excess of
5 the amount specified in the permit, less the amount shown on the
6 permit to have been previously purchased[; ~~provided that no~~
7 ~~fireworks shall be sold to a permittee holding a permit issued~~
8 ~~for purposes of section 132D-3, more than five calendar days~~
9 ~~before the applicable time period under section 132D-3]."~~

10 SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is
11 amended by amending subsection (e) to read as follows:

12 "(e) No person holding a retailer license to sell consumer
13 fireworks shall be allowed to sell consumer fireworks [~~commonly~~
14 ~~known as firecrackers in a packet size larger than five thousand~~
15 ~~individual units. Any person violating this subsection shall be~~
16 ~~guilty of a misdemeanor.], except as provided for in sections
17 132D-6 and 132D-7."~~

18 SECTION 6. Section 132D-9, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) The permit required under section 132D-10 or 132D-16
21 shall be issued by the county or its authorized designees and



1 shall be nontransferable. The county or its authorized
2 designees shall issue all permits for which complete
3 applications have been submitted and that contain only correct
4 information. The permit shall specify the date of issuance or
5 effect and the date of expiration but in no case for a period to
6 exceed one year. ~~[The permit for the purchase of consumer~~
7 ~~fireworks for the purposes of section 132D-3 shall not allow~~
8 ~~purchase for more than one event as set forth in section~~
9 ~~132D-3.]~~ The application shall be made on a form setting forth
10 the dates for which the permit shall be valid, the location
11 where the permitted activity is to occur, and the name of the
12 proprietor or, if a partnership, the name of the partnership and
13 the names of all partners or, if a corporation, the name of the
14 corporation and the names of its officers. The permit
15 application may be denied if the proposed use of fireworks or
16 articles pyrotechnic presents a substantial inconvenience to the
17 public or presents an unreasonable fire or safety hazard."

18 SECTION 7. Section 132D-10, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§132D-10 Permits.** A permit shall be required for the
21 purchase and use of:



1 ~~[(1) Any consumer fireworks commonly known as firecrackers~~
2 ~~upon payment of a fee of \$25;~~

3 ~~(2)]~~ (1) Any aerial devices, display fireworks, or
4 articles pyrotechnic for the purposes of section
5 132D-16 upon payment of a fee of \$110; and

6 ~~[(3)]~~ (2) Any consumer fireworks for the purposes of
7 section 132D-5 ~~[or for cultural uses that occur at any~~
8 ~~time other than during the periods prescribed in~~
9 ~~section 132D-3(1) upon a payment of a fee of \$25]."~~

10 SECTION 8. Section 132D-12, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§132D-12 Sale to minors; sale by minors; prohibited.** It
13 shall be unlawful for any person to offer for sale, sell, or
14 give any fireworks or articles pyrotechnic to minors, and for
15 any minor to possess, purchase, sell, or set off, ignite, or
16 otherwise cause to explode any fireworks or articles
17 pyrotechnic~~[, except as provided in section 132D-13]."~~

18 SECTION 9. Section 132D-13, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§132D-13 Liability of parents or guardians.** The parents,
21 guardian, and other persons having the custody or control of any



1 minor, who knowingly permit the minor to possess, purchase, or
2 set off, ignite, or otherwise cause to explode any fireworks or
3 articles pyrotechnic, shall be deemed to be in violation of this
4 chapter and shall be subject to the penalties thereunder[
5 ~~except that the parents or guardian may allow the minor to use~~
6 ~~consumer fireworks while under the immediate supervision and~~
7 ~~control of the parent or guardian, or under the supervision and~~
8 ~~control of another adult]."~~

9 SECTION 10. Section 132D-14, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§132D-14 Penalty.** (a) Any person:

12 (1) Importing aerial devices, display fireworks, or
13 articles pyrotechnic without having a valid license
14 under section 132D-7 shall be guilty of a class C
15 felony;

16 (2) Purchasing, possessing, setting off, igniting, or
17 discharging aerial devices, display fireworks, or
18 articles pyrotechnic without a valid permit under
19 sections 132D-10 and 132D-16, or storing, selling, or
20 possessing aerial devices, display fireworks, or
21 articles pyrotechnic without a valid license under



1 section 132D-7, or allowing an individual to possess,
2 set off, ignite, discharge, or otherwise cause to
3 explode any aerial device in violation of section
4 132D-14.5:

5 (A) If the total weight of the aerial devices,
6 display fireworks, or articles pyrotechnic is
7 twenty-five pounds or more, shall be guilty of a
8 class C felony; or

9 (B) If the total weight of the aerial devices,
10 display fireworks, or articles pyrotechnic is
11 less than twenty-five pounds, shall be guilty of
12 a misdemeanor;

13 (3) Who transfers or sells aerial devices, display
14 fireworks, or articles pyrotechnic to a person who
15 does not have a valid permit under sections 132D-10
16 and 132D-16, shall be guilty of a class C felony;
17 [~~and~~]

18 (4) Who removes or extracts the pyrotechnic contents from
19 any fireworks or articles pyrotechnic and uses the
20 contents to construct fireworks, articles pyrotechnic,



1 or a fireworks or articles pyrotechnic related device
2 shall be guilty of a misdemeanor[+];

3 (5) Selling consumer fireworks without having a valid
4 license under section 132D-7 may have the consumer
5 fireworks, storage facility, vehicle, or any other
6 asset used in the commission of the offense seized and
7 subject to forfeiture pursuant to section 712A;
8 provided that asset forfeiture proceedings pursuant to
9 this subsection shall not be initiated until after the
10 delivery of a nuisance abatement notice pursuant to
11 subsection (d); and

12 (6) Setting off, igniting, or discharging consumer
13 fireworks without a valid permit under section
14 132D-10:

15 (A) May have the consumer fireworks used in the
16 commission of the offense seized and subject to
17 forfeiture under chapter 712A;

18 (B) Shall be fined \$500; provided that the amount of
19 the fine shall double every three months until
20 the fine is paid; provided further that if the
21 person is a minor, the penalties shall apply to



1 the minor's parents pursuant to section 132D-13;

2 and

3 (C) Shall complete two hours of fireworks education

4 to be administered by the department of law

5 enforcement; provided that should the two hours

6 of required fireworks education not be met,

7 community service shall begin accruing starting

8 with two hours and doubling every three months

9 thereafter until the penalty requirements are

10 satisfied; provided further that if the person is

11 a minor, the penalties shall apply to the minor's

12 parents pursuant to section 132D-13.

13 (b) Except as provided in subsection (a) or as otherwise
14 specifically provided for in this chapter, any person violating

15 any other provision of this chapter, shall be fined [~~no~~] not

16 more than \$5,000 for each violation. Notwithstanding any

17 provision to the contrary in this section, any person violating

18 section 132D-14.5 shall be fined at least \$500 and [~~no~~] not more

19 than \$5,000.

20 (c) The court shall [~~collect~~]:



1 (1) Collect the fines imposed in subsections (a) and (b)
2 for violating this chapter and, of the fines
3 collected, shall pay twenty per cent to the State and
4 eighty per cent to the county in which the fine was
5 imposed, which shall be expended by the county for law
6 enforcement purposes[-]; and

7 (2) Collect the proceeds from forfeited assets pursuant to
8 subsection (a) (5) and (6) for violating this chapter
9 and, of the proceeds collected, notwithstanding the
10 disposition requirements under section 712A-16, shall
11 pay seventy per cent to law enforcement agencies and
12 thirty per cent to the firework forfeiture special
13 fund established in section 132D- .

14 (d) Notwithstanding any penalty set forth herein,
15 violations of subsection (a) (1) [~~or~~], (3), or (5) may be subject
16 to nuisance abatement proceedings provided in part V of chapter
17 712.

18 (e) For the purposes of this section:

19 (1) Each type of prohibited firework imported, purchased,
20 sold, possessed, set off, ignited, or discharged shall



1 constitute a separate violation for each unopened
2 package; and

3 (2) Each separate firework imported, purchased, sold,
4 possessed, set off, ignited, or discharged shall be a
5 separate violation if the package is opened or the
6 firework is not in a package.

7 (f) For the purposes of this section, "package":

8 (1) Means any aerial device, display firework, or article
9 pyrotechnic:

10 (A) Enclosed in a container or wrapped in any manner
11 in advance of wholesale or retail sale; and

12 (B) With a weight or measure determined in advance of
13 wholesale or retail sale; and

14 (2) Does not mean:

15 (A) Inner wrappings not intended to be individually
16 sold to the customer;

17 (B) Shipping containers or wrapping used solely for
18 the transportation of any commodities in bulk or
19 in quantity;

20 (C) Auxiliary containers or outer wrappings used to
21 deliver commodities if the containers or



1 wrappings bear no printed matter pertaining to
2 any particular aerial device, display firework,
3 or article pyrotechnic;

4 (D) Containers used for retail tray pack displays
5 when the container itself is not intended to be
6 sold; or

7 (E) Open carriers and transparent wrappers or
8 carriers for containers when the wrappers or
9 carriers do not bear printed matter pertaining to
10 any particular aerial devices, display fireworks,
11 or articles pyrotechnic."

12 SECTION 11. Section 132D-16.6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§132D-16.6[+] **Display site inspection.** Each county
15 fire chief is authorized to conduct inspections of the persons
16 conducting a display, including the site where the display is
17 occurring or will occur within the fire chief's county to
18 determine compliance with the applicable county code and the
19 current editions of the National Fire Protection Association's
20 "NFPA 1123: Code for Fireworks Display" and "NFPA 1126:
21 Standard for the Use of Pyrotechnics Before a Proximate



1 Audience". An inspection fee of \$200 shall be assessed by the
2 county upon the holder of a permit for a display under section
3 [~~132D-10(2)~~], 132D-10(1) which shall be separate from the
4 display permit fee under that section. The inspection fee shall
5 be paid to the county in which the display will occur, and shall
6 be used to defray the cost of the official conducting the
7 inspection of the display setup."

8 SECTION 12. Section 712-1270, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§712-1270 Places used to commit offenses against public**
11 **health and morals or other offenses, a nuisance.** Every
12 building, premises, or place used for the purpose of violating:

13 (1) Those laws pertaining to offenses against public
14 health and morals contained in this chapter, except
15 / offenses under part IV that do not involve the
16 manufacture or distribution of drugs and activities
17 under part III that involve only social gambling as
18 defined in section 712-1231(a);

19 (2) Section 132D-14(a)(1) [~~or~~], (3) [~~+~~], or (5); or

20 (3) Any offense under part II of chapter 708 that involves
21 a person unlawfully residing on or otherwise occupying



1 real property to which the person has no title, lease,
2 or other legal claim,
3 and every building, premises, or place in or upon which
4 violations of any of the laws set forth in paragraph (1), (2),
5 or (3) are held or occur, is a nuisance that shall be enjoined,
6 abated, and prevented, regardless of whether it is a public or
7 private nuisance."

8 SECTION 13. Section 712-1270.3, Hawaii Revised Statutes,
9 is amended to read as follows:

10 "**§712-1270.3 Citizen's rights.** Any citizen who brings a
11 nuisance abatement suit against a place used for the purpose of
12 committing:

13 (1) Fireworks related offenses contained in section
14 132D-14(a)(1) [~~or~~], (3) [~~+~~], or (5); or
15 (2) Drug offenses under part IV of this chapter or who
16 files a complaint with the local police or drug
17 nuisance abatement unit of the department of the
18 attorney general,
19 shall be entitled to the same rights and protections of victims
20 and witnesses in criminal proceedings in accordance with chapter
21 801D."



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

"~~[§]§712-1281~~ **Forfeiture; fireworks.**~~[§]~~ In addition to any other penalty that may be imposed for violation of section 132D-14(a)(1) ~~[or]~~ (3), (5), or (6), any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit an offense under section 132D-14(a)(1) ~~[or]~~ (3), (5), or (6), or that facilitated or assisted ~~[such]~~ the activity, and any proceeds or other property acquired or maintained with the proceeds from violation of section 132D-14(a)(1) ~~[or]~~ (3), (5), or (6), may be subject to forfeiture pursuant to chapter 712A."

SECTION 15. Section 132D-3, Hawaii Revised Statutes, is repealed.

~~["§132D-3 Permissible uses of consumer fireworks.
Consumer fireworks may be set off, ignited, discharged, or otherwise caused to explode within the State only:~~

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



1 ~~(2) From 9:00 a.m. to 9:00 p.m. as allowed by permit~~
2 ~~pursuant to section 132D-10 if the proposed cultural~~
3 ~~use is to occur at any time other than during the~~
4 ~~periods prescribed in paragraph (1);~~
5 ~~provided that the purchase of not more than five thousand~~
6 ~~individual consumer fireworks commonly known as firecrackers~~
7 ~~shall be allowed under each permit."]~~

8 SECTION 16. This Act does not affect rights and duties
9 that matured, penalties that were incurred, and proceedings that
10 were begun before its effective date.

11 SECTION 17. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 18. This Act shall take effect upon its approval.

14 INTRODUCED BY: _____



S.B. NO. 999

Report Title:

Fireworks Control Law; Consumer Fireworks; Repeal; Firework Special Fund; Asset Forfeiture; Nuisance Abatement; Penalty

Description:

Repeals all permissible uses of consumer fireworks and makes conforming amendments to the Fireworks Control Law. Establishes civil penalties for the use and sale of consumer fireworks, including nuisance abatement proceedings and forfeiture of assets used in the commission of the illegal use or sale of consumer fireworks. Establishes the Firework Forfeiture Special Fund to deposit asset forfeiture proceeds and to provide for community safety education programs.

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