
A BILL FOR AN ACT

RELATING TO PACKAGING WASTE.

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

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PART I

SECTION 1. (a) The department of health shall conduct a study on the benefits and costs to implement extended producer responsibility in the State.

(b) The study shall analyze and evaluate the following:

(1) The implementation of extended producer responsibility in the State independent of other state and federal packaging extended producer responsibility initiatives;

(2) The implementation of extended producer responsibility packaging in the State in conjunction or synchronicity with other state and federal initiatives;

(3) The best science available relating to extended producer responsibility and best packaging practices;

(4) The costs and benefits to all stakeholders, including but not limited to the environment, consumers, taxpayers, government, and businesses;



- 1 (5) The potential benefits and drawbacks of implementing
2 extended producer responsibility for packaging in the
3 State;
- 4 (6) The feasibility of implementing extended producer
5 responsibility for packaging in the State;
- 6 (7) The projected timeline for the implementation of
7 extended producer responsibility for packaging in the
8 State;
- 9 (8) The expected savings, if any, for the State and
10 counties in costs relating to waste management and
11 recycling in the implementation of extended producer
12 responsibility packaging in the State; and
- 13 (9) Any other issues the department deems relevant.
- 14 (c) For the purposes of the study, the department of
15 health may consult with other state departments and community
16 organizations.
- 17 (d) The department of health shall submit a report of its
18 findings and recommendations, including any proposed
19 legislation, to the legislature no later than twenty days prior
20 to the convening of the regular session of 2024.



1 SECTION 2. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2021-2022 and
 4 the same sum or so much thereof as may be necessary for fiscal
 5 year 2022-2023 for the department of health to conduct a study
 6 on the benefits and costs to implement extended producer
 7 responsibility in the State.

8 The sums appropriated shall be expended by the department
 9 of health for the purposes of this part.

10 PART II

11 SECTION 3. Chapter 339, Hawaii Revised Statutes, is
 12 amended by adding a new section to be appropriately designated
 13 and to read as follows:

14 "§339- Single-use plastic service ware; prohibited

15 acts. (a) Beginning January 1, 2022, a full-service restaurant
 16 shall not provide single-use plastic service ware to a consumer
 17 unless requested by the consumer.

18 (b) Any full-service restaurant who violates this section
 19 shall be issued a notice of violation by the director for the
 20 first and second violations. For any subsequent violation, a
 21 full-service restaurant shall be subject to a fine imposed by



1 the director of \$25 per day of violation, not to exceed \$300
2 during any calendar year. Any action taken to impose or collect
3 the fines provided for in this section shall be considered an
4 administrative action pursuant to chapter 91.

5 (c) For purposes of this section:

6 "Consumer" means a person who is a member of the public,
7 takes possession of food or beverages, is not functioning in the
8 capacity of an operator of a food facility, and does not offer
9 the food or beverage for resale.

10 "Full-service restaurant" means an establishment with the
11 primary business purpose of serving food, where food may be
12 consumed on the premises, and where all of the following actions
13 are taken by an employee of the establishment:

14 (1) The consumer is escorted or assigned to an assigned
15 eating area. The employee may choose the assigned
16 eating area or may seat the consumer according to the
17 consumer's need for accommodation or other request;

18 (2) The consumer's food and beverage orders are taken
19 after the consumer has been seated at the assigned
20 seating area;



1 (3) The food and beverage orders are delivered directly to
2 the consumer;

3 (4) Any requested items associated with the consumer's
4 food or beverage order are brought to the consumer;
5 and

6 (5) The check is delivered directly to the consumer at the
7 assigned eating area.

8 "Plastic" means any material made of fossil fuel-derived or
9 petrochemical polymeric compounds and additives that can be
10 shaped by flow.

11 "Single-use plastic service ware" means any stirrers,
12 straws, bars, and utensils, including forks, spoons, sporks,
13 and knives. "Single-use plastic service ware" does not include
14 items contained within or attached to packaging of food or
15 beverages, including but not limited to disposable plastic
16 straws pre-packaged and sold with beverage boxes or disposable
17 utensils pre-packaged and sold with ice cream or salads.

18 "Utensils" means implements intended to assist in the
19 consumption of food or drink."



1 PART III

2 SECTION 4. Chapter 342G, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 "PART . POSTCONSUMER RECYCLED CONTENT

6 §342G- Definitions. As used in this part:

7 "Beverage" means:

8 (1) Water and flavored water;

9 (2) Beer or other malt beverages;

10 (3) Wine;

11 (4) Distilled spirits; and

12 (5) Mineral water, soda water, and similar carbonated soft
13 drinks,

14 intended for human or animal consumption, and in a quantity more
15 than or equal to two fluid ounces and less than or equal to one
16 gallon.

17 "Beverage manufacturer" means a manufacturer of one or more
18 beverages that are sold, offered for sale, or distributed in the
19 State.

20 "Plastic beverage container" means a bottle or other rigid
21 container comprised of one or multiple plastic resins and



1 containing a beverage that is capable of maintaining its shape
2 when empty. "Plastic beverage containers" shall not include:

- 3 (1) Refillable beverage containers;
- 4 (2) Rigid plastic containers or plastic bottles that are
5 medical devices, medical products that are required to
6 be sterile, prescription medicine, and packaging used
7 for those products; and
- 8 (3) Bladders or pouches that contain wine.

9 "Postconsumer recycled content" means the content of a
10 product made of recycled materials derived specifically from
11 recycled material generated by households or by commercial,
12 industrial, or institutional facilities in their role as end
13 users of the product that can no longer be used for its intended
14 purpose, including returns of material from the distribution
15 chain.

16 "Refillable" means a beverage container that is
17 sufficiently durable for multiple rotations of its original or
18 similar purpose and is intended to function in a system of
19 reuse.

20 **§342G- Postconsumer recycled content; established;**
21 **requirements.** (a) Beginning January 1, 2023, beverage



1 manufacturers that offer for sale, sell, or distribute beverages
2 in plastic beverage containers in the State shall meet minimum
3 postconsumer recycled content as required by this section.

4 (b) A beverage manufacturer that sells, offers for sale,
5 or distributes plastic beverage containers in or into the State
6 shall meet the following annual minimum postconsumer recycled
7 plastic content on average for the total quantity of plastic
8 beverage containers that are sold, offered for sale, or
9 distributed in the State:

10 (1) No less than fifteen per cent postconsumer recycled
11 plastic by weight by December 31, 2025;

12 (2) No less than twenty-five per cent postconsumer
13 recycled plastic by weight by December 31, 2030; and

14 (3) No less than fifty per cent postconsumer recycled
15 plastic by weight on and after January 1, 2031.

16 (c) The department shall enforce this part and, subject to
17 chapter 91, may adopt rules with respect to:

18 (1) Adjusting the minimum postconsumer recycled content
19 percentage required pursuant to this section;

20 (2) Reporting requirements by beverage manufacturers
21 subject to this part;



- 1 (3) Providing penalties or fees; and
- 2 (4) Such other matters as may be necessary in order to
- 3 implement this part."

4 PART IV

5 SECTION 5. New statutory material is underscored.

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



Report Title:

Department of Health; Extended Producer Responsibility; Single-use Plastic Service Ware; By Request; Postconsumer Recycled Content; Appropriation

Description:

Part I: Requires and appropriates funds for the department of health to conduct a study on the benefits and costs to implement extended producer responsibility in the State. Part II: Beginning January 1, 2022, prohibits full-service restaurants from providing single-use plastic service ware to consumers unless requested by the consumer. Part III: Beginning January 1, 2023, requires beverage manufacturers that offer for sale, sell, or distribute beverages in plastic beverage containers in the State to meet minimum postconsumer recycled content requirements. Effective 7/1/2050. (HD1)

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