

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that perfluoroalkyl and  
2 polyfluoroalkyl substances (PFAS) are persistent, toxic  
3 substances that can contaminate drinking water, bioaccumulate in  
4 fish and wildlife, and have multiple adverse health effects on  
5 humans. PFAS are utilized in a broad range of products,  
6 including clothing, textiles, food packaging, and cosmetic  
7 products, such as lotions, nail polish, shaving cream, and  
8 mascara.

9           The legislature further finds that PFAS are often called  
10 "forever chemicals" due to the fact that they do not naturally  
11 break down in the environment and can continue to pollute the  
12 environment for thousands of years. PFAS can enter the human  
13 body when consumed, applied directly on skin, and after eating  
14 food packaged in materials that contain PFAS. In 2022, the  
15 legislature passed Act 152, Session Laws of Hawaii 2022, which  
16 prohibits, by the end of 2024, PFAS in certain types of food



1 packaging and firefighting foam. However, it is evident that  
2 further action is needed.

3 As an island state, when these forever chemicals are  
4 brought here, they never leave. Instead, they make their way  
5 into residents' bodies and the State's wastewater, landfills,  
6 and eventually groundwater and drinking water supply. Hawaii  
7 can no longer afford to import toxic substances that contaminate  
8 the State's finite resources and risk residents' health.

9 Accordingly, the purpose of this Act is to prohibit the  
10 manufacture, sale, offer for sale, distribution for sale, and  
11 distribution for use of any food packaging, food service ware,  
12 cosmetic, or personal care product that contains intentionally  
13 added PFAS.

14 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
15 amended by adding a new section to part XLVII to be  
16 appropriately designated and to read as follows:

17 "§321- Food packaging, food service ware, cosmetics,  
18 personal care products; prohibited items. (a) Beginning  
19 December 31, 2026, it shall be unlawful to manufacture, sell,  
20 offer for sale, distribute for sale, or distribute for use in  
21 the State any food packaging, food service ware, cosmetic, or



1 personal care product that contains intentionally added PFAS;  
2 provided that this section shall not apply to:

3 (1) Hydrofluoroolefins used as propellents in cosmetics;

4 (2) A product that is regulated as a drug, medical device,  
5 or dietary supplement by the United States Food and  
6 Drug Administration under the Federal Food, Drug, and  
7 Cosmetic Act (21 U.S.C. 321 et seq.) or the Dietary  
8 Supplement Health and Education Act of 1994; and

9 (3) A combination product as defined under title 21 Code  
10 of Federal Regulations section 3.2(e).

11 (b) For the purposes of this section:

12 "Cosmetic" has the same meaning as in section 321-30.4.

13 "Food service ware" means all containers, bowls, bowl lids,  
14 clamshells, plates, trays, cups, cup lids, straws, forks,  
15 spoons, knives, napkins, utensils, chopsticks, cup sleeves,  
16 condiment packets and saucers, stirrers, splash sticks, cocktail  
17 sticks, toothpicks, and other like items that are designed for a  
18 single use for or alongside prepared foods, including but not  
19 limited to service ware for takeout foods or leftovers from  
20 partially consumed meals prepared by food vendors.



1 "Ingredient" has the same meaning as in title 21 Code of  
2 Federal Regulations section 700.3(e). The term shall not  
3 include any incidental ingredients as defined in title 21 Code  
4 of Federal Regulations section 701.3(1).

5 "Intentionally added PFAS" means either of the following:

6 (1) PFAS chemicals that a manufacturer has intentionally  
7 added to a product and that have a functional or  
8 technical effect on the product; or

9 (2) PFAS chemicals that are intentional breakdown products  
10 of an added chemical.

11 "Manufacturer" means any person whose name appears on the  
12 label of a cosmetic product pursuant to the requirements of  
13 title 21 Code of Federal Regulations section 701.12.

14 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"  
15 has the same meaning as in section 321-601.

16 "Personal care product" has the same meaning as in section  
17 321-30.5."

18 SECTION 3. Section 321-602, Hawaii Revised Statutes, is  
19 repealed.

20 ~~["**{S321-602}** Food packaging, prohibited items. (a)~~  
21 ~~Beginning December 31, 2024, it shall be unlawful to~~



1 ~~manufacture, sell, offer for sale, distribute for sale, or~~  
2 ~~distribute for use in the State any food packaging specified in~~  
3 ~~subsection (b) to which PFAS chemicals have been intentionally~~  
4 ~~introduced in any amount.~~

5 ~~(b) The prohibition under this section shall apply to~~  
6 ~~wraps and liners, plates, food boats, and pizza boxes." ]~~

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval;  
10 provided that section 3 shall take effect on January 1, 2027.

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INTRODUCED BY:

Mike Hubbard



# S.B. NO. 2427

**Report Title:**

PFAS; Food Packaging; Food Service Ware; Cosmetics; Personal Care Products; Prohibition

**Description:**

Prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

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