JAN 1 8 2013

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1	SECTION 1. The Hawaii Revised Statutes is amended by									
2	adding a new chapter to be appropriately designated and to read									
3	as follows:									
4	"CHAPTER									
5	ENVIRONMENTALLY FRIENDLY FOOD SERVICE CONTAINERS									
6	§ -1 Definitions. As used in this chapter:									
7	"Compostable" means all materials in the product will break									
8	down into usable compost in a safe and timely manner without									
9	leaving any toxic residue.									
10	"Department" means the department of health.									
11	"Disposable food service container" means disposable									
12	products used in a restaurant or take-out food operation as									
13	packaging to serve or transport prepared, ready-to-consume food									
14	or beverages, including but not limited to plates, cups, bowls,									
15	trays, and hinged or lidded containers.									
16	"Expanded polystyrene foam" means blown polystyrene and									
17	expanded and extruded foams that are thermoplastic petrochemical									

18



materials utilizing styrene.

- 1 "Prepared food" means food or beverages that are prepared
- 2 for consumption on the premises of a restaurant or food
- 3 establishment or taken out by a customer from the restaurant or
- 4 food establishment.
- 5 S -2 Option for compostable or reusable disposable food
- 6 service containers. (a) Beginning on January 1, 2015,
- 7 restaurants or other food establishments serving prepared food
- 8 using disposable food service containers made of expanded
- 9 polystyrene foam shall provide consumers with an option to use
- 10 compostable or reusable disposable food containers provided by
- 11 the restaurant or food establishment.
- 12 (b) Restaurants or other food establishments may charge a
- 13 fee for disposable food containers; provided that the fee
- 14 charged for compostable or reusable disposable food service
- 15 containers shall not be higher than the fee charged for
- 16 disposable food service containers made of expanded polystyrene
- 17 foam.
- 18 (c) Restaurants or other food establishments providing
- 19 disposable food service containers made of expanded polystyrene
- 20 foam shall display a clearly visible sign informing customers
- 21 that compostable disposable food service containers are
- 22 available at no additional cost, if applicable.

```
1
         S
                 Penalties. A restaurant or other food
2
    establishment that violates section -2 shall receive a
3
    written warning from the department for an initial violation.
4
    Violators shall pay a fine for subsequent violations as follows:
              $100 for each of the second and third violation;
5
         (1)
              $300 for each of the fourth and fifth violation; and
6
         (2)
7
              $500 for the fifth violation and each subsequent
         (3)
8
              violation.
9
         Each day of each violation shall be considered a separate
10
    offense. Any action taken in court to impose or collect the
11
    penalty provided for in this section shall be considered a civil
    action."
12
13
         SECTION 2. The department of health shall establish and
14
    maintain a list of suitable and appropriate packaging for
15
    prepared food, including but not limited to compostable or
16
    reusable disposable food service containers, as alternatives to
17
    the use of polystyrene, polystyrene foam, and expanded
18
    polystyrene foam disposable food service containers.
19
    department shall post its findings on a publicly accessible
20
    website no later than July 1, 2014. The content of the website
21
    shall be updated with any new developments.
```

S.B. NO. 420

1	SECTION	3.	This	Act	does	not	affect	rights	and	duties	that

- 2 matured, penalties that were incurred, and proceedings that were
- 3 begun before its effective date.
- 4 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

Report Title:

Environment; Compostable or Reusable Disposable Food Service Containers

Description:

Requires food service businesses to provide customers with an option to use compostable or reusable food containers provided by the restaurant or food. Requires signs to be posted informing customers that compostable food containers are available at no extra cost. Requires violators to pay a fine for repeated violations.

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