## 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 polystyrene foam, 2 commonly known as styrofoam, is a material that causes 3 environmental harm and poses a threat to marine life. 4 The purpose of this Act is to phase out the use of expanded 5 polystyrene foam in the State. SECTION 2. The Hawaii Revised Statutes is amended by 6 7 adding a new chapter to be appropriately designated and to read 8 as follows: 9 "CHAPTER 10 EXPANDED POLYSTYRENE FOAM 11 Part I. GENERAL PROVISIONS 12 -1 Definitions. As used in this chapter: 13 "Department" means the department of health. "Expanded polystyrene foam" means blown polystyrene and 14 expanded and extruded foams that are thermoplastic petrochemical 15 16 materials using styrene.

- 1 "Food packager" means any person, located within the State,
- 2 who places meat, eggs, bakery products, or other food in
- 3 packaging materials, for the purpose of retail sale of those
- 4 products.
- 5 "Polystyrene foam container" means a container that is made
- 6 of expanded polystyrene foam.
- 7 "Prepared food" means food or beverages that are prepared
- 8 to be consumed on or off the premises of the establishment which
- 9 it was prepared.
- 10 "Undue hardship" includes but is not limited to situations
- 11 in which:
- 12 (1) There are no acceptable alternatives to packaging with
- polystyrene foam containers for reasons that are
- unique to the applicant; or
- 15 (2) Compliance with the prohibition would deprive a person
- of a legally protected right.
- 17 § -2 Rules. The department shall adopt rules, pursuant
- 18 to chapter 91, necessary to implement this chapter, including
- 19 rules relating to enforcement and exemptions.

1 S -3 Exemption. The department may grant an exemption from the requirements of this chapter upon application and a 2 3 showing by the applicant that: 4 (1) Compliance would cause undue hardship; or 5 (2) The applicant intends to use expanded polystyrene foam 6 for applications relating to: 7 (A) Transportation; 8 (B) Construction; 9 (C) Health; or **10** . (D) Safety, and there are no acceptable alternatives to the use of 11 expanded polystyrene foam. 12 13 Part II. POLYSTYRENE FOAM CONTAINERS 14 -11 Prohibition on the use of polystyrene foam (a) Beginning on January 1, 2017, no restaurant or 15 containers. food establishment in the State shall serve food or beverages to 16 17 be consumed in the restaurant or food establishment using 18 polystyrene foam containers. 19 Beginning on January 1, 2018, no restaurant, food 20 establishment, resort, or hotel in the State shall:

1	(1)	Serve or package prepared food or beverages in
2		polystyrene foam containers; or
3	(2)	Provide polystyrene foam containers for use with food
4		or beverages.
5	(c)	Beginning on January 1, 2020, no food packager in the
6	State shall package meat, eggs, bakery products, or other food	
7	in a polystyrene foam container.	
8	Part III. EXPANDED POLYSTYRENE FOAM	
9	. <b>S</b>	-21 Prohibition on the use of expanded polystyrene
10	foam. Be	ginning on January 1, 2023, no person in the State
11	shall use expanded polystyrene foam for any purpose unless	
12	granted an exemption pursuant to section -3."	
13	SECTION 3. This Act does not affect rights and duties that	
14	matured, penalties that were incurred, and proceedings that were	
15	begun before its effective date.	
16	SECT	TION 4. This Act shall take effect on July 1, 2016.

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### Report Title:

Food Service Containers; Phase Out Use

### Description:

Phases out the use of polystyrene foam (styrofoam) containers by restaurants, food establishments, hotels, and food packagers beginning 1/1/17. Prohibits all expanded polystyrene foam use beginning 1/1/23. Authorizes DOH to allow exemptions.

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