A BILL FOR AN ACT

RELATING TO DISPOSABLE FOOD CONTAINERS.

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

- 1 SECTION 1. The purpose of this Act is to prohibit the use
- 2 of certain types of disposable food containers by restaurants,
- 3 food establishments, and food packagers.
- 4 SECTION 2. The Hawaii Revised Statutes is amended by
- 5 adding a new chapter to be appropriately designated and to read
- 6 as follows:
- 7 "CHAPTER
- 8 FOOD SERVICE CONTAINERS
- 9 § -1 Definitions. As used in this chapter:
- 10 "Compostable" means that all materials in the product will
- 11 break down into usable compost in a safe and timely manner
- 12 without leaving any toxic residue.
- "Department" means the department of health.
- "Disposable food service container" means a disposable
- 15 product used by a restaurant or food establishment as packaging
- 16 to serve or transport prepared, ready-to-consume food or
- 17 beverages, including but not limited to plates, cups, bowls,



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- 1 trays, and hinged or lidded containers. "Disposable food
- 2 service container" does not include single-use disposable straws
- 3 or utensils.
- 4 "Expanded polystyrene foam" means blown polystyrene and
- 5 expanded and extruded foams that are thermoplastic petrochemical
- 6 materials using styrene.
- 7 "Food packager" means any person, located within the State,
- 8 who places meat, eggs, bakery products, or other food in
- 9 packaging materials, for the purpose of retail sale of those
- 10 products.
- 11 "Polystyrene foam container" means a container that is made
- 12 of expanded polystyrene foam.
- "Prepared food" means food or beverages that are prepared
- 14 to be consumed on or off the premises of a restaurant or food
- 15 establishment.
- "Undue hardship" includes but is not limited to situations
- 17 in which:
- 18 (1) There are no acceptable alternatives to packaging with
- 19 polystyrene foam containers for reasons that are
- unique to the applicant; or



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- 1 (2) Compliance with the prohibition would deprive a person
- of a legally protected right.
- 3 S -2 Prohibition on the use of polystyrene foam
- 4 containers; exemptions. (a) Beginning on January 1, 2016, no
- 5 restaurant or food establishment in the State shall serve
- 6 prepared food using polystyrene foam containers.
- 7 (b) Beginning on January 1, 2016, no food packager in the
- 8 State shall package meat, eggs, bakery products, or other food
- 9 in any polystyrene foam container.
- 10 (c) Beginning on January 1, 2016, restaurants, food
- 11 establishments, and food packagers in the State shall use
- 12 disposable food service containers made of compostable material.
- 13 (d) The department may grant an exemption from the
- 14 requirements of this section upon application and a showing by
- 15 the applicant that compliance would cause undue hardship.
- 16 § -3 Rules. The department shall adopt rules, pursuant
- 17 to chapter 91, necessary to implement this chapter, including
- 18 rules relating to enforcement and exemptions."
- 19 SECTION 3. This Act does not affect rights and duties that
- 20 matured, penalties that were incurred, and proceedings that were
- 21 begun before its effective date.



1 SECTION 4. This Act shall take effect on July 1, 2015.

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Report Title:

Food Service Containers

Description:

Prohibits restaurants, food establishments, and food packagers from providing food in polystyrene foam containers beginning 1/1/16. Requires the use of compostable food containers. Authorizes DOH to allow exemptions.

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