

JAN 23 2015

S.B. NO. 639

A BILL FOR AN ACT

RELATING TO DISPOSABLE CONTAINERS.

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 COMPOSTABLE OR REUSABLE DISPOSABLE FOOD SERVICE CONTAINERS

6 § -1 Definitions. As used in this chapter:

7 "Compostable" means that all materials in the product will
8 break down into usable compost in a safe and timely manner
9 without leaving any toxic residue.

10 "Department" means the department of health.

11 "Disposable food service container" means a disposable
12 product used by a restaurant or food establishment as packaging
13 to serve or transport prepared, ready-to-consume food or
14 beverages, including but not limited to plates, cups, bowls,
15 trays, and hinged or lidded containers.



1 "Expanded polystyrene foam" means blown polystyrene and
2 expanded and extruded foams that are thermoplastic petrochemical
3 materials using styrene.

4 "Prepared food" means food or beverages that are prepared
5 to be consumed on the premises of a restaurant or food
6 establishment or to be taken out by a consumer from the
7 restaurant or food establishment.

8 § -2 Option for compostable or reusable disposable food
9 service containers. (a) Beginning on January 1, 2017,
10 restaurants or food establishments serving prepared food using
11 disposable food service containers made of expanded polystyrene
12 foam shall offer consumers the option of using compostable or
13 reusable disposable food service containers provided by the
14 restaurant or food establishment.

15 (b) Restaurants or food establishments may charge a fee to
16 consumers who opt to use compostable or reusable disposable food
17 service containers.

18 (c) Restaurants or food establishments that provide
19 disposable food service containers made of expanded polystyrene
20 foam shall display a clearly visible sign informing consumers



1 that compostable or reusable disposable food service containers
2 are available.

3 **§ -3 Penalties.** Any restaurant or food establishment
4 that violates section -2 shall receive a written warning from
5 the department for an initial violation. Violators shall be
6 fined by the department for subsequent violations as follows:

- 7 (1) \$100 for each of a second and third violation;
8 (2) \$200 for each of a fourth and fifth violation; and
9 (3) \$500 for the sixth and each subsequent violation.

10 If the restaurant or food establishment, after receiving written
11 notice of a violation from the department, fails to remedy the
12 violation within seven days, the restaurant or food
13 establishment shall be subject to further penalties as provided
14 by this section.

15 The department shall undertake administrative action to
16 impose, collect, or enforce a penalty under this section.

17 **§ -4 List of packaging.** (a) The department shall
18 establish and maintain a list of suitable and appropriate
19 packaging for prepared food as alternatives to the use of
20 expanded polystyrene foam disposable food service containers.



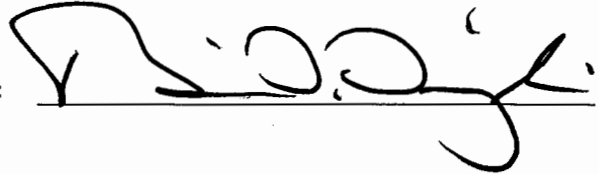
1 (b) The department shall post this list on a publicly
2 accessible website no later than January 1, 2016. The content
3 of the website shall be updated periodically by the department.

4 § -5 Rules. The department shall adopt rules pursuant
5 to chapter 91 to implement this chapter."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. This Act shall take effect on July 1, 2015.

10
INTRODUCED BY:

A handwritten signature in black ink, appearing to be "R. J. O'Connell", written over a horizontal line.

S.B. NO. 639

Report Title:

Compostable or Reusable Disposable Food Service Containers

Description:

Requires restaurants or food establishments to provide consumers with the option of using compostable or reusable disposable food service containers. Requires signs to be posted informing consumers that such containers are available. Establishes penalties for violations. Effective 7/1/15.

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

