JAN 1 8 2019

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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	PLASTIC STRAWS
6	§ -1 Definitions. As used in this chapter:
7	"Department" means the department of health.
8	"Food service business" means a business that sells or
9	provides prepared food for consumption on or off the premises,
10	and includes any restaurant, bar area that is part of a
11	restaurant, café, delicatessen, coffee shop, catering facility,
12	supermarket or grocery store, vending truck or cart, food truck,
13	sandwich stand, movie theater, or business or institutional
14	cafeteria, including those operated by or on behalf of the
15	State.
16	"Plastic" means any material made of polymeric organic
17	compounds and additives that can be shaped by flow.

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1 "Plastic straw" means a straw that is made wholly or 2 partially from plastic. 3 "Prepared food" means food or beverages that are prepared 4 to be consumed on or off the premises of a food service 5 business. 6 -2 Prohibition on the sale or distribution of plastic No food service business operating within the State 7 8 shall: 9 (1) Distribute, sell, or otherwise provide plastic straws 10 to customers; or 11 Serve or package prepared food accompanied by plastic (2) 12 straws. 13 -3 Penalties. Any person who violates this chapter 14 shall be subject to a penalty of up to \$5,000 for each offense. 15 Each day of each violation shall constitute a separate offense. 16 S -4 Rules. The department of health shall adopt rules **17** pursuant to chapter 91 necessary to implement this chapter, 18 including rules relating to enforcement and exemptions. The

rules may also include a requirement for food service businesses

to educate their customers regarding litter reduction.

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- 1 § -5 Relation to other laws. This chapter shall not
- 2 preempt the authority of a county to adopt and enforce food
- 3 service ordinances that are more restrictive than the standards
- 4 established under this chapter."
- 5 SECTION 2. This Act does not affect rights and duties that
- 6 matured, penalties that were incurred, and proceedings that were
- 7 begun before its effective date.
- 8 SECTION 3. If any provision of this Act, or the
- 9 application thereof to any person or circumstance, is held
- 10 invalid, the invalidity does not affect other provisions or
- 11 applications of the Act that can be given effect without the
- 12 invalid provision or application, and to this end the provisions
- 13 of this Act are severable.
- 14 SECTION 4. Nothing in this Act shall be interpreted or
- 15 applied so as to create any requirement, power, or duty in
- 16 conflict with any federal law.
- 17 SECTION 5. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

SB LRB 19-0091.doc

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Report Title:

Plastic Straws; Food Service Businesses; Prohibition

Description:

Prohibits food service businesses from the sale and distribution of plastic straws.

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