S.B. NO. 368

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 PLASTIC STRAWS 5 6 -1 Definitions. As used in this chapter: S 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 organic17 compounds and additives that can be shaped by flow.



1

Page 2

S.B. NO. 368

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 S No food service business operating within the State 7 straws. 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 S -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 19 rules may also include a requirement for food service businesses 20 to educate their customers regarding litter reduction.



2

Page 3

S.B. NO. 368

\$ -5 Relation to other laws. This chapter shall not
 preempt the authority of a county to adopt and enforce food
 service ordinances that are more restrictive than the standards
 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.

SECTION 4. Nothing in this Act shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal law.

17 SECTION 5. This Act shall take effect on July 1, 2020.

18

INTRODUCED BY:



Mc 3

S.B. NO. 368



S.B. NO. 368

Report Title:

Plastic Straws; Food Service Businesses; Prohibition

Description:

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

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

