

JAN 21 2022

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# A BILL FOR AN ACT

RELATING TO THE SUGAR-SWEETENED BEVERAGE FEE PROGRAM.

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

1       SECTION 1. The legislature finds that there is a need to  
2 continue to invest in the health of Hawaii's keiki and ohana.  
3 In Hawaii, one out of four middle and high school youth and more  
4 than half of adults are overweight or obese. Sixty-one per cent  
5 of Hawaii adults are living with at least one chronic disease  
6 such as diabetes, heart disease, or cancer. A 2016 report found  
7 that seventy-one per cent of third graders in Hawaii were  
8 affected by tooth decay, making Hawaii the state with the  
9 highest prevalence of tooth decay among third graders in the  
10 nation. The State also received a failing grade in a series of  
11 oral health report cards released by the Pew Center on the  
12 States.

13       The legislature also finds that these negative health  
14 outcomes have not had an equal impact across racial and ethnic  
15 groups. Lower income populations and people of color have  
16 higher rates of chronic disease due to social determinants of  
17 health, including food and housing insecurity, access to health



1 care issues, and lack of spaces for safe physical activity. The  
2 coronavirus disease 2019 (COVID-19) pandemic has drawn attention  
3 to and exacerbated these health and social inequities in Hawaii.  
4 COVID-19 has most severely impacted Pacific Islander, Filipino,  
5 and Native Hawaiian communities, who have the highest rates of  
6 chronic disease. Additionally, regulations to mitigate viral  
7 spread have created disparate economic hardships for these same  
8 communities in Hawaii.

9 The legislature finds that many programs have been  
10 implemented and many more proposed to address health inequities  
11 within Hawaii's most vulnerable communities. These include the  
12 Double up Food Bucks program, which allows families who  
13 participate in the Supplemental Nutrition Assistance Program to  
14 "double" their dollars when purchasing fresh locally-grown  
15 produce and healthy proteins. The legislature also finds that  
16 one of the most common barriers to enacting or sustaining  
17 community-driven health initiatives is a lack of funding.

18 The legislature further finds that sugar-sweetened  
19 beverages are the largest source of excess sugar in the American  
20 diet, contributing excess calories with little to no nutritional  
21 value. Sugary drink consumption is associated with negative



1 health effects, including obesity, diabetes, and cardiovascular  
2 disease.

3       The legislature finds that, in an effort to improve health  
4 and invest in health initiatives benefitting communities most  
5 directly impacted by the negative health effects linked to  
6 sugary drink consumption, at least nine jurisdictions in the  
7 U.S. and more than fifty jurisdictions across the globe have  
8 enacted a tax or fee on sugary drinks. The legislature further  
9 finds that a fee on sugar-sweetened beverages is a viable model  
10 to reduce consumption and generate revenue for the State to  
11 support health, prevent chronic disease, and address root causes  
12 of disparities in Hawaii. A 2017 study conducted by the Harvard  
13 T.H. Chan School of Public Health and the department of health  
14 found that a sugary drink fee has major cost-savings. Passage  
15 of a two-cent per ounce sugar-sweetened beverage fee is  
16 projected to result in lower levels of sugar-sweetened beverage  
17 consumption, fewer cases of obesity, fewer deaths, and health  
18 care savings greater than fifty-nine million dollars over a ten  
19 year period. A two-cent per ounce fee is also projected to  
20 raise as much as \$59,320,000 in 2022 according to the Rudd  
21 Center Revenue Calculator for Sugary Drink Taxes.



1       Accordingly, the purpose of this Act is to enact a fee on  
2       sugar-sweetened beverages in Hawaii to improve health and build  
3       resiliency through investment in Hawaii's public health  
4       infrastructure.

5       SECTION 2. This Act shall be known and cited as the  
6       Healthy Ohana Act of 2022.

7       SECTION 3. Chapter 321, Hawaii Revised Statutes, is  
8       amended by adding a new part to be appropriately designated and  
9       to read as follows:

10               **"PART       .   SUGAR-SWEETENED BEVERAGE FEE PROGRAM**

11       **§321-A Definitions.** As used in this part, unless the  
12       context otherwise requires:

13       "Auditor" means the office of the auditor.

14       "Bottle" means any closed or sealed container regardless of  
15       size or shape, including but not limited to those made of glass,  
16       metal, paper, plastic, or any other material or combination of  
17       materials.

18       "Bottled sugar-sweetened beverage" means any sugar-  
19       sweetened beverage contained in a bottle that is ready for  
20       consumption without further processing, such as dilution or  
21       carbonation.



1 "Caloric sweetener" means any substance containing calories  
2 suitable for human consumption, that humans perceive as sweet,  
3 and includes without limitation sucrose, fructose, glucose,  
4 other sugars, or fruit juice concentrates. "Caloric sweetener"  
5 excludes non-caloric sweeteners.

6 "Consumer" means a person who purchases a sugar-sweetened  
7 beverage for direct consumption.

8 "Department" means the department of health.

9 "Dietary aids" means liquid products manufactured for use  
10 as an oral nutritional therapy for persons who cannot absorb or  
11 metabolize dietary nutrients from food or beverages; a source of  
12 necessary nutrition used due to a medical condition; or an oral  
13 electrolyte solution for infants and children formulated to  
14 prevent dehydration due to illness.

15 "Director" means the director of health.

16 "Distributor" means any person, including a manufacturer or  
17 a wholesale dealer, who receives, stores, manufactures, bottles,  
18 or distributes bottled sugar-sweetened beverages, syrup, or  
19 powder for sale to a retailer doing business in the State  
20 whether or not that person is also a retailer.



1 "Infant formula" means a food which purports to be or is  
2 represented for special dietary use solely as a food for infants  
3 by reason of its simulation of human milk or its suitability as  
4 a complete or partial substitute for human milk.

5 "Milk without added caloric sweetener" means any beverage  
6 whose principal ingredient by weight is natural liquid milk,  
7 which is secreted by an animal and consumed by humans, including  
8 natural liquid milk regardless of animal source or butterfat  
9 content, or natural milk concentrate and dehydrated natural  
10 milk, whether or not reconstituted.

11 "Milk substitute without added caloric sweetener" means a  
12 plant-based beverage in which the principal ingredients by  
13 weight are water and grains, nuts, legumes, or seeds. Milk  
14 substitute includes but is not limited to soy milk, almond milk,  
15 rice milk, coconut milk, oat milk, hazelnut milk, and flax milk.

16 "Non-alcoholic beverage" means any beverage that contains  
17 less than one-half of one per cent alcohol per volume.

18 "Non-caloric sweetener" means any substance that contains  
19 fewer than five calories per serving, suitable for human  
20 consumption, that humans perceive as sweet, and includes without  
21 limitation aspartame, saccharin, stevia, and sucralose.



1       "Person" means any natural person, partnership, cooperative  
2       association, limited liability company, corporation, personal  
3       representative, receiver, trustee, assignee, or any other legal  
4       entity.

5       "Powder" means any solid mixture of ingredients that  
6       contains caloric sweetener, which is intended to be used in  
7       making, mixing, or compounding a sugar-sweetened beverage by  
8       combining the powder with one or more other ingredients.

9       "Retailer" means any person who sells or otherwise  
10      dispenses in the State a sugar-sweetened beverage to a consumer  
11      whether or not that person is also a distributor.

12      "Sale" or "sell" means the transfer of title or possession  
13      for valuable consideration regardless of the manner the transfer  
14      is completed.

15      "Syrup" means a liquid mixture of ingredients that contains  
16      caloric sweetener, which is intended to be used in making,  
17      mixing, or compounding a sugar-sweetened beverage by combining  
18      the syrup with any one or more other ingredients.

19      "Sugar-sweetened beverage" means any non-alcoholic  
20      beverage, carbonated or noncarbonated, that is intended for



1 human consumption and contains any added caloric sweetener.

2 Sugar-sweetened beverages does not include:

3 (1) Beverages consisting of one hundred per cent fruit  
4 juice or vegetable juice with no added caloric  
5 sweetener;

6 (2) Milk without added caloric sweetener;

7 (3) Milk substitute without added caloric sweetener;

8 (4) Dietary aids; or

9 (5) Infant formula.

10 **§321-B Registration required.** (a) Every distributor  
11 shall register with the department on forms to be prescribed,  
12 prepared, and furnished by the department.

13 (b) No retailer shall sell at retail, or hold out or  
14 display for sale at retail, any sugar-sweetened beverage  
15 acquired by the retailer on or after June 30, 2023, unless the  
16 sugar-sweetened beverage was acquired by the retailer from a  
17 registered distributor in the State.

18 **§321-C Sugar-sweetened beverage fee; payment; exemptions.**

19 (a) Every distributor selling sugar-sweetened beverages in the  
20 State shall pay the department a sugar-sweetened beverage fee  
21 that is imposed at the following rates:





(1) Two cents per fluid ounce of bottled sugar-sweetened beverages sold or offered for sale to a retailer for sale in the State to a consumer; and

(2) Two cents per fluid ounce of sugar-sweetened beverage that can be produced from syrup or powder, calculated according to the manufacturer's specifications for the use of the syrup or powder sold to a retailer for sale in the State to a consumer.

(b) A distributor shall add the amount of the fee imposed by this section to the price of sugar-sweetened beverages, syrups, and powders sold to a retailer, and the retailer shall pass the amount of the fee through to a consumer as a component of the final retail purchase price. The amount of the fee shall be stated separately on all invoices, signs, sales or delivery slips, bills, and statements that advertise or indicate the price of such beverages, syrups, and powders.

(c) Every distributor or retailer liable for the fee imposed by this chapter shall file a form identifying all sales of sugar-sweetened beverages made during a period of time specified by the department and shall submit payment of the fee to the department. The form shall be prescribed by the



1 department and the form shall contain any information that the  
2 department deems necessary for the proper administration of the  
3 sugar-sweetened beverage fee program.

4 (d) The fee shall be deposited into the healthy ohana  
5 special fund administered by the department.

6 (e) The following shall be exempt from the fee imposed by  
7 this section:

8 (1) Bottled sugar-sweetened beverages, syrups, and powder  
9 sold by a distributor or retailer expressly for resale  
10 or consumption outside the State; and

11 (2) Bottled sugar-sweetened beverages, syrups, and powder  
12 sold by a distributor to another distributor who is  
13 registered pursuant to section 321-B, if the sales  
14 invoice clearly indicates that the sale is exempt. If  
15 the sale is to a person who is both a distributor and  
16 a retailer, the sale shall also be exempt from the fee  
17 and the fee shall be paid when the purchasing  
18 distributor who is also a retailer resells the product  
19 to a retailer or a consumer. This exemption shall not  
20 apply to any other sale to a retailer.



1           §321-D Healthy ohana special fund; established. (a)

2   There is established in the state treasury the healthy ohana  
3   special fund, into which shall be deposited:

4           (1) All revenues generated from sugar-sweetened beverage  
5               fees as described under section 321-C;

6           (2) All revenues collected from penalties pursuant to  
7               section 321-K;

8           (3) All interest and earnings accruing from the investment  
9               of moneys in the fund; and

10          (4) Appropriations by the legislature to the special fund.

11          (b) The healthy ohana special fund shall be administered  
12   by the department. The moneys in the healthy ohana special fund  
13   shall be distributed and used as follows:

14          (1) \_\_\_\_\_ per cent shall be used by the department for  
15               implementation and evaluation of the sugar-sweetened  
16               beverage fee program;

17          (2) \_\_\_\_\_ per cent shall be used by the department for the  
18               purposes of supporting primary prevention and chronic  
19               disease prevention programs and supports, including  
20               state obesity prevention and oral health promotion  
21               services for Hawaii's ohana; and



(3) \_\_\_\_\_ per cent shall be deposited into the healthy ohana trust fund under section 321-E to be administered by the department.

**§321-E Healthy ohana trust fund; established.** (a) There is established the healthy ohana trust fund as a separate fund of a nonprofit entity having a board of directors and qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, into which shall be deposited moneys received as provided under section 321-D(b)(3). The director, with the concurrence of the governor, shall select, in accordance with chapter 103D, the entity based upon the proven record of accomplishment of the entity in administering a similar trust fund.

(b) Notwithstanding that the healthy ohana trust fund is established within a private entity, the department of budget and finance shall have oversight authority over the fund and may make periodic financial audits of the fund; provided that the director of finance may contract with a certified public accountancy firm for this purpose. The director, with the concurrence of the governor, in the director's sole discretion may rescind the selection of the entity. If the selection of



1 the entity is rescinded, moneys in the healthy ohana trust fund  
2 shall revert back to the State and shall be deemed to be trust  
3 moneys.

4 (c) The entity selected under subsection (a), for each  
5 fiscal year, may expend up to ten per cent of the total market  
6 value of the healthy ohana trust fund on the preceding June 30,  
7 for the prevention and control of obesity and chronic disease on  
8 behalf of families in Hawaii. These activities may include but  
9 are not limited to comprehensive programs and methods to support  
10 access to healthy food, active living and healthy eating, school  
11 and work based health, nutrition and physical education, oral  
12 health, programs supporting farm-to-school, locally grown, and  
13 sustainable agriculture practices, school gardens, and obesity  
14 and chronic disease prevention.

15 (d) The healthy ohana trust fund may receive  
16 appropriations, contributions, grants, endowments, or gifts in  
17 cash or otherwise from any source, including the State,  
18 corporations or other businesses, foundations, government,  
19 individuals, and other interested parties; provided that any  
20 appropriations made by the State to the healthy ohana trust fund  
21 shall not supplant or diminish the funding of existing chronic



1 disease prevention programs or any health related programs  
2 funded in whole or in part by the State.

3 (e) The assets of the healthy ohana trust fund shall  
4 consist of:

5 (1) Moneys deposited pursuant to section 321-E(b) (3);

6 (2) Moneys appropriated to the healthy ohana trust fund by  
7 the state, county, or federal government;

8 (3) Private contributions of cash or property; and

9 (4) Income and capital gains earned by the healthy ohana  
10 trust fund.

11 (f) The aggregate principal sum deposited in the healthy  
12 ohana trust fund shall be invested by the entity selected under  
13 subsection (a) in a manner intended to maximize the rate of  
14 return on investment of the healthy ohana trust fund consistent  
15 with the objective of preserving the healthy ohana trust fund's  
16 principal.

17 (g) If the entity selected under subsection (a) is  
18 dissolved, the director, with the concurrence of the governor,  
19 shall select a successor entity. If the healthy ohana trust  
20 fund is terminated, the moneys remaining in the healthy ohana



1 trust fund shall revert back to the State and shall be deemed to  
2 be trust moneys.

3 (h) The administration of the healthy ohana trust fund  
4 shall be advised by the healthy ohana advisory committee created  
5 under section 321-Q.

6 **§321-F Records to be kept.** Every distributor and  
7 retailer, in addition to any requirements under chapter 321-G,  
8 shall prepare or maintain documents involving sugar-sweetened  
9 beverages, syrups, and powders, as required by the department.

10 **§321-G Audit authority.** The records of the distributor  
11 and retailer shall be made available, upon request, for  
12 inspection by the department, a duly authorized agent of the  
13 department, or the auditor. Any proprietary information  
14 obtained by them shall be kept confidential and shall not be  
15 disclosed to any other person, except:

16 (1) As may be reasonably required in an administrative or  
17 judicial proceeding to enforce any provision of this  
18 chapter or any rule adopted pursuant to this chapter;

19 or

20 (2) Under an order issued by a court or administrative  
21 agency hearings officer.



1       **§321-H Contract for administrative services.** The  
2 department may contract the services of a third party to  
3 administer the sugar-sweetened beverage fee program under this  
4 part.

5       **§321-I Management and financial audit.** The auditor shall  
6 conduct a management and financial audit of the sugar-sweetened  
7 beverage fee program for fiscal year 2023 to 2024 and fiscal  
8 year 2024 to 2025, and for each fiscal year thereafter ending in  
9 an odd-numbered year. The auditor shall submit the audit report  
10 to the legislature and the department no later than twenty days  
11 prior to the convening of the next regular session. The auditor  
12 may contract the audit services of a third party to conduct the  
13 audit.

14       **§321-J Administration by director; rules.** (a) The  
15 department shall adopt rules pursuant to chapter 91 to  
16 effectuate the purposes of this part.

17       (b) No later than June 30, 2023, the department shall  
18 adopt interim rules, which shall be exempt from chapters 91 and  
19 201M, to effectuate the purposes of this part; provided that the  
20 interim rules shall remain in effect until, January 1, 2025, or





1 until rules are adopted pursuant to subsection (a), whichever  
2 occurs sooner.

3       **§321-K Civil penalties.** (a) Any person subject to this  
4 part who:

5       (1) Fails to pay the entire fee imposed by this part by  
6 the date that payment is due;

7       (2) Fails to register as a distributor as required by  
8 section 321-B;

9       (3) Fails to file a form that identifies all sales of  
10 sugar-sweetened beverages during the time specified by  
11 the department as required by section 321-C;

12       (4) Fails to make payment to the department at the time  
13 specified by the department as required by section  
14 321-C;

15       (5) Fails to prepare or maintain records required by this  
16 part; or

17       (6) Violates any other provision of this part,

18 shall be liable for the amount of the fee that is due, a penalty  
19 equal to fifty percent of the fee due, and additional  
20 administrative fees and costs incurred by the department.



1           (b) The director, or the director's duly authorized  
2 representative, may determine the amount of the fee and the  
3 penalty due under subsection (a) in the event of any nonpayment  
4 or underpayment and demand payment of all sugar-sweetened  
5 beverage fees and penalties. Interest shall accrue on  
6 nonpayment or underpayment of the fee at a rate of eight per  
7 cent per year from the date the fee was due, until paid. The  
8 director shall have the authority to revoke the distributor  
9 registration as a penalty under subsection (a).

10           (c) Any criminal penalties for any violation of this part  
11 shall not be deemed to preclude the State from recovering  
12 additional civil penalties.

13           **§321-L Enforcement.** (a) If the director determines that  
14 the sugar-sweetened beverage fee, penalties, or interest are  
15 due, the director shall notify the person of the amount by  
16 certified mail.

17           (b) Any notice issued under subsection (a) shall become  
18 final, unless no later than thirty days after the notice is  
19 mailed, the person named therein requests in writing a hearing  
20 before the director. Whenever a hearing is requested, the  
21 amount owed shall become payable only upon completion of all



1 review proceedings and the issuance of a final order confirming  
2 the fee, interest, and penalty in whole or in part. Upon  
3 request for a hearing, the director shall require the requestor  
4 to appear before the director for a hearing at the time and  
5 place specified in a notice.

6 (c) Any hearing conducted under this section shall be  
7 conducted as a contested case under chapter 91. If, after a  
8 hearing held pursuant to this section, the director finds that  
9 all or a portion of the fee, interest, or penalty is due, the  
10 director shall take action to collect the amount due as provided  
11 by subsection (d).

12 (d) If the amount of any fee, interest, or penalty is not  
13 paid to the department within thirty days after it becomes due  
14 and payable, the director may institute a civil action in the  
15 name of the State to collect the fee, interest, and penalty. In  
16 any proceeding to collect the fee, interest, or penalty imposed,  
17 the director need only show that:

- 18 (1) Notice was given;
- 19 (2) A hearing was held, or the time granted for requesting  
20 a hearing expired without a request for a hearing;
- 21 (3) The fee, interest, or penalty was imposed; and



1           (4) The fee, interest, or penalty remains unpaid.

2           (e) In connection with any hearing held pursuant to this  
3 section, the director shall have the power to subpoena the  
4 attendance of witnesses and the production of evidence on behalf  
5 of all parties.

6           **§321-M Distribution of revenues.** One hundred per cent of  
7 revenues collected from the sugar-sweetened beverage fee,  
8 interest payments, and penalty payments imposed pursuant to this  
9 part shall be paid to the healthy ohana special fund,  
10 established in section 321-D.

11          **§321-N Evaluation.** The department shall develop criteria  
12 and components for an independent evaluation to assess the  
13 impact of the fee imposed by this part on consumption of  
14 products subject to the fee established by this part. The  
15 evaluation shall seek to determine the impact of the fee on  
16 sugar-sweetened beverage prices, consumer purchasing behavior,  
17 and health outcomes. The reasonable costs of evaluation shall  
18 be paid from the healthy ohana special fund and be considered an  
19 implementation cost of this part.

20          **§321-O Costs.** The costs to implement this part may  
21 include:



- (1) Administrative, contractual, audit, independent evaluation, and compliance activities associated with collection and payment of the sugar-sweetened beverage fee program;
- (2) Personnel to implement the sugar-sweetened beverage fee program;
- (3) Communication and education activities to inform the public and distributors about the sugar-sweetened beverage fee; and
- (4) Associated office expenses.

**§321-P Annual reports.** The department shall provide annual reports on the sugar-sweetened beverage fee program to the legislature and the governor no later than twenty days prior to the convening of each regular session for the period beginning when the program is in effect following the adoption of rules pursuant to section 321-J. The reports shall contain:

- (1) Measures of effectiveness;
- (2) Amounts of revenues collected in the prior fiscal year;
- (3) Distributions and expenditures from the healthy ohana special fund in the prior fiscal year; and



1 (4) Description of program activities.

2 If administration of the program is contracted to a third party  
3 pursuant to section 321-H, a copy of the contract shall be  
4 appended to the next applicable report, and the contractor shall  
5 abide by these reporting requirements as well.

6 §321-Q Healthy ohana advisory committee. (a) There is  
7 established a healthy ohana trust fund advisory committee under  
8 the department for administrative purposes.

9 (b) Members of the committee shall:

10 (1) Be appointed by the director, and shall serve at the  
11 director's pleasure; and

12 (2) Have background and expertise in chronic disease  
13 prevention.

14 (c) The healthy ohana advisory committee shall advise the  
15 department on the administration of the healthy ohana trust  
16 fund.

17 (d) The healthy ohana advisory committee, in collaboration  
18 with the department, shall develop a strategic plan for chronic  
19 disease prevention, including:

20 (1) Developing and implementing effective and cost  
21 efficient policies and programs, including health



1           promotion and disease prevention with an emphasis to  
2           improve health equity and to reach remote, vulnerable,  
3           and underserved populations;

4           (2) Developing adequate standards and benchmarks by which  
5           measures of chronic disease prevention policies and  
6           programs may be appropriately evaluated; and

7           (3) Assessing the effectiveness of policies and programs  
8           engaged in chronic disease prevention.

9           (d) A simple majority of the committee members shall  
10          constitute quorum."

11          SECTION 4. There is appropriated out of the general  
12          revenues of the State of Hawaii the sum of \$250,000 or so much  
13          thereof necessary for fiscal year 2022-2023, to be deposited  
14          into the healthy ohana special fund established pursuant to  
15          section 321-D, Hawaii Revised Statutes.

16          SECTION 5. There is appropriated out of the healthy ohana  
17          special fund the sum of \$250,000 or so much thereof as may be  
18          necessary for fiscal year 2022-2023 to carry out the purposes of  
19          this Act, including the establishment, hiring, and filling of  
20          positions and contractors.



1       The sum appropriated shall be expended by the department of  
2 health for the purposes of this Act.

3       SECTION 6. No later than July 1, 2024, the department of  
4 health shall establish a repayment plan and schedule to repay to  
5 the general fund, the sum deposited into the healthy ohana  
6 special fund established pursuant to section 321-D, Hawaii  
7 Revised Statutes, established by this Act. The department of  
8 health shall only use moneys from the healthy ohana special fund  
9 to repay the general fund.

10       SECTION 7. No later than March 15, 2023, the director of  
11 health, or the director's designee, shall submit a report and  
12 provide an informational briefing to the legislature concerning  
13 the progress of implementing this Act, including the status of  
14 rulemaking by the department of health pertaining to the sugar-  
15 sweetened beverage fee program.

16       SECTION 8. For the purposes of effectuating this Act, the  
17 personnel hired and the contracts entered into by the department  
18 of health, pursuant to this Act, shall be exempt from chapter  
19 76, Hawaii Revised Statutes, for a period beginning on July 1,  
20 2022, and ending on June 30, 2024; provided that:





(1) All personnel actions taken pursuant to this Act by the department of health after June 30, 2024, shall be subject to chapter 76, Hawaii Revised Statutes, as appropriate; and

(2) Any employee hired by the department of health to effectuate this Act, who occupies a position exempt from civil service on July 1, 2024, shall:

(A) Be appointed to a civil service position; and

(B) Not suffer any loss of prior service credit, vacation or sick leave credits previously earned or other employee benefits or privileges;

provided that the employee possesses the minimum qualifications and public employment requirements for the class or position to which appointed; provided further that subsequent changes in status shall be made pursuant to applicable civil service and compensation laws.

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the



# S.B. NO. 2211

1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 10. In codifying the new sections added by section  
4 3 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 11. This Act shall take effect on July 1, 2022.

8

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Bennett E. Mihaluk", is written over a horizontal line.



# S.B. NO. 2211

**Report Title:**

Healthy Ohana; Sugar-Sweetened Beverage Fee Program; Special Fund; Trust Fund; Advisory Committee; Appropriation

**Description:**

Imposes a fee for selling sugar-sweetened beverages at the distributor level. Creates a special fund and trust fund into which revenues are deposited, the proceeds of which shall fund programs to prevent obesity and chronic disease for Hawaii's Ohana. Establishes the healthy ohana advisory committee. Makes appropriations.

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

