
A BILL FOR AN ACT

RELATING TO WASTE REDUCTION.

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

1 SECTION 1. The legislature finds that the production, use,
2 and disposal of service ware designed to be discarded after a
3 single use or limited number of uses damage Hawaii's environment
4 and ecosystems, overburden state recycling facilities, and
5 contribute to global greenhouse gas emissions at every stage in
6 the lifecycle of their production.

7 The legislature acknowledges the successful implementation
8 of the city and county of Honolulu's disposable service ware
9 ordinance, which restricts the use of disposable service ware by
10 food vendors and dictates that disposable service ware may be
11 provided to customers only upon request.

12 Therefore, the purpose of this Act is to expand upon the
13 successful city and county of Honolulu ordinance by prohibiting
14 food vendors statewide from providing or distributing disposable
15 service ware to customers, unless requested by the customer, or
16 in a self-service area or dispenser.



1 SECTION 2. Chapter 339, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§339- Disposable service ware upon request. (a)

5 Beginning January 1, 2023, a food vendor may only provide or
6 distribute disposable service ware for prepared food or for a
7 beverage:

8 (1) Upon the request or affirmative response of a customer
9 or person being provided the prepared food or
10 beverage; or

11 (2) In a self-service area or dispenser.

12 (b) The department shall engage in an education and
13 outreach campaign in coordination with community and business
14 partners to facilitate the implementation of this section.

15 (c) The director shall adopt rules pursuant to chapter 91
16 regarding the implementation and administration of this section.

17 (d) Any food vendor violating subsection (a) or any rule
18 adopted pursuant to this section may:

19 (1) Be ordered to discontinue the distribution of
20 disposable service ware prohibited by this section;
21 and



1 (2) If continuing the distribution despite the order, be
2 subject to a civil fine of no less than \$100 nor more
3 than \$1,000 for each day of violation.

4 (e) Nothing in this section shall be construed to
5 supersede or in any manner affect a county ordinance relating to
6 disposable service ware; provided that the ordinance is at least
7 as restrictive as this section. Nothing in this section shall
8 prohibit a county from enacting or enforcing ordinances more
9 stringent than this section.

10 (f) Each county shall have the authority to enact
11 ordinances to enforce this section.

12 (g) For purposes of this section:
13 "Customer" means any person purchasing prepared food from a
14 food vendor.

15 "Disposable" means designed to be discarded after a single
16 use or limited number of uses and not designed or manufactured
17 for long-term multiple reuse.

18 "Food vendor" means any entity or person selling or
19 providing prepared food for consumption within the State,
20 including any store, shop, sales outlet, pharmacy, restaurant,
21 bar, pub, coffee shop, cafeteria, caterer, convenience store,



1 liquor store, grocery store, supermarket, delicatessen, food
2 truck, catering vehicle or cart, roadside stand, or other
3 establishment that sells or provides prepared food for
4 consumption within the State.

5 "Plastic" means any material made of fossil fuel-derived or
6 petrochemical polymeric compounds and additives that can be
7 shaped by flow.

8 "Prepared food" means food or beverages that are prepared
9 for consumption on or off the premises of a food vendor by
10 cooking, chopping, peeling, slicing, mixing, brewing, freezing,
11 squeezing, or otherwise processing at premises owned, leased, or
12 otherwise controlled by the food vendor. "Prepared food"
13 includes restaurant style food and beverages that are packaged
14 after being ordered and ready to be consumed without further
15 preparation. "Prepared food" does not include raw meat, raw
16 poultry, raw seafood, unprepared produce, and uncooked eggs.

17 "Produce" means any fruit or vegetable including mixes of
18 intact fruits and vegetables and includes mushrooms, sprouts
19 irrespective of seed source, peanuts, tree nuts, beans, honey,
20 and herbs.



1 "Service ware" means any stirrers, straws, baran, and
2 utensils. "Service ware" does not include items contained
3 within or attached to packaging of food or beverages, including
4 but not limited to disposable plastic straws pre-packaged and
5 sold with beverage boxes or disposable plastic utensils pre-
6 packaged and sold with ice cream or salads.

7 "Utensils" means implements intended to assist in the
8 consumption of food or drink. "Utensils" includes forks,
9 spoons, sporks, and knives."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2100.

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H.B. NO. 1643 H.D. 1

Report Title:

Disposable Service Ware; Food Vendors; Department of Health

Description:

Beginning 1/1/2023, allows a food vendor to provide or distribute disposable service ware for prepared food or for a beverage only upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser. Effective 7/1/2100.
(HD1)

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