

JAN 21 2022

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 or limited number of uses damage Hawaii's environment and
4 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.



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 upon the request or affirmative response of a customer
8 or person being provided the prepared food or beverage, or in a
9 self-service area or dispenser.

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

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

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

18 (1) Be ordered to discontinue the distribution of
19 disposable service ware prohibited by this section;
20 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) The director may institute a civil action in any court
5 of competent jurisdiction for injunctive or other relief to
6 correct or abate violations of this section or any rule adopted
7 pursuant to this section, collect administrative penalties, or
8 obtain other relief.

9 (f) Nothing in this section shall be construed to
10 supersede or in any manner affect a county ordinance relating to
11 disposable service ware; provided that the ordinance is at least
12 as restrictive as this section. Nothing in this section shall
13 prohibit a county from enacting or enforcing ordinances more
14 stringent than this section.

15 (g) Each county shall have the authority to enact
16 ordinances to enforce this section.

17 (h) For purposes of this section:

18 "Customer" means any person purchasing prepared food from a
19 food vendor.



1 "Disposable" means designed to be discarded after a single
2 or limited number of uses and not designed or manufactured for
3 long-term multiple reuse.

4 "Food vendor" means any entity or person selling or
5 providing prepared food for consumption within the State,
6 including any store, shop, sales outlet, pharmacy, restaurant,
7 bar, pub, coffee shop, cafeteria, caterer, convenience store,
8 liquor store, grocery store, supermarket, delicatessen, food
9 truck, catering vehicle or cart, roadside stand, or other
10 establishment that sells or provides prepared food for
11 consumption within the State.

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

15 "Prepared food" means food or beverages that are prepared
16 for consumption on or off the premises of a food vendor, by
17 cooking, chopping, peeling, slicing, mixing, brewing, freezing,
18 squeezing, or otherwise processing, at premises owned, leased,
19 or otherwise controlled by the food vendor. "Prepared food"
20 includes restaurant style food and beverages that are packaged
21 after being ordered and ready to be consumed without further



1 preparation. "Prepared food" does not include raw meat, raw
2 poultry, raw seafood, unprepared produce, and uncooked eggs.

3 "Produce" means any fruit or vegetable including mixes of
4 intact fruits and vegetables and includes mushrooms, sprouts
5 irrespective of seed source, peanuts, tree nuts, beans, honey,
6 and herbs.

7 "Service ware" means any stirrers, straws, baran, and
8 utensils. "Service ware" does not include items contained
9 within or attached to packaging of food or beverages, including
10 but not limited to disposable plastic straws pre-packaged and
11 sold with beverage boxes, or disposable plastic utensils pre-
12 packaged and sold with ice cream or salads.

13 "Utensils" means implements intended to assist in the
14 consumption of food or drink. "Utensils" includes forks,
15 spoons, sporks, and knives."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

21



S.B. NO. 2848

INTRODUCED BY:

Jana Acasio



S.B. NO. 2848

Report Title:

Disposable Service Ware; Food Vendors; Department of Health

Description:

Beginning January 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.

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

