

JAN 21 2022

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# A BILL FOR AN ACT

RELATING TO POSTCONSUMER RECYCLED CONTENT.

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

1           SECTION 1. The legislature finds that minimum postconsumer  
2 recycled content requirements for beverage containers are needed  
3 to reduce waste, transition the State toward a circular economy,  
4 and encourage interest in recycling among deposit beverage  
5 distributors and glass container importers. The implementation  
6 of a minimum postconsumer recycled content requirement for  
7 beverage containers will divert waste from landfills and direct  
8 them to recycling, thus reducing waste. Therefore, the purpose  
9 of this Act is to establish minimum postconsumer recycled  
10 content requirements for beverage containers.

11           SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
12 amended by adding a new part to be appropriately designated and  
13 to read as follows:

14                           **"PART       .    POSTCONSUMER RECYCLED CONTENT**

15           **§342G-        Definitions.** As used in this part:

16           "Beverage":

17           (1) Means:



- 1 (A) Beer, ale, or other drink produced by fermenting
- 2 malt;
- 3 (B) Distilled spirits and mixed spirits;
- 4 (C) Wine and mixed wine;
- 5 (D) Tea and coffee drinks;
- 6 (E) Mineral water, soda water, and similar carbonated
- 7 soft drinks;
- 8 (F) Water and flavored water; and
- 9 (G) Juices or other nonalcoholic drinks in liquid
- 10 form,
- 11 intended for human or animal consumption, and in a
- 12 quantity more than or equal to two fluid ounces and
- 13 less than or equal to one gallon; and
- 14 (2) Does not include:
  - 15 (A) A liquid that is a syrup, in a concentrated form,
  - 16 or typically added as a minor flavoring
  - 17 ingredient in food or drink, such as extracts,
  - 18 cooking additives, sauces, or condiments;
  - 19 (B) A liquid that is a drug, medical food, or infant
  - 20 formula as defined by the Federal Food, Drug, and
  - 21 Cosmetic Act (21 U.S.C. 301 et seq.);



- 1 (C) A single serving of one ounce or less of a
- 2 dietary supplement as defined in the Dietary
- 3 Supplement Health and Education Act of 1994 (P.L.
- 4 103-417);
- 5 (D) A liquid that the department finds to be the sole
- 6 item of a meal or diet;
- 7 (E) Products frozen at the time of sale to the
- 8 consumer, or, in the case of institutional users
- 9 such as hospitals and nursing homes, at the time
- 10 of sale to the users;
- 11 (F) Products designed to be consumed in a frozen
- 12 state;
- 13 (G) Instant drink powders;
- 14 (H) Seafood, meat, or vegetable broths, or soups, but
- 15 not juices; and
- 16 (I) Milk and all other dairy-derived products, except
- 17 tea and coffee drinks with trace amounts of these
- 18 products.

19 "Beverage container":

20 (1) Means:



1 (A) A deposit glass beverage container as defined in  
2 section 342G-81;

3 (B) A deposit beverage container as defined in  
4 section 342G-101; or

5 (C) A bottle or other rigid container that is  
6 comprised of glass, aluminum, bimetal, or one or  
7 multiple plastic resins, including polyethylene  
8 terephthalate and high-density polyethylene;  
9 contains a beverage; and is capable of  
10 maintaining its shape when empty; and

11 (2) Does not include:

12 (A) Bladders or pouches that contain wine; and

13 (B) Rigid containers or bottles that are medical  
14 devices, medical products that are required to be  
15 sterile, prescription medicine, and packaging  
16 used for those products.

17 "Deposit beverage distributor" has the same meaning as in  
18 section 342G-101.

19 "Glass container importer" has the same meaning as in  
20 section 342G-81.



1 "Postconsumer recycled content" means the content of a  
2 product that is made of recycled materials derived specifically  
3 from recycled material generated by households or by commercial,  
4 industrial, or institutional facilities in their role as end  
5 users of the product and that can no longer be used for its  
6 intended purpose, including returns of material from the  
7 distribution chain.

8 **§342G- Postconsumer recycled content; requirements;**  
9 **enforcement.** (a) Deposit beverage distributors, glass  
10 container importers, and distributors or importers of beverage  
11 containers that sell, offer for sale, or distribute beverage  
12 containers in the State shall meet minimum postconsumer recycled  
13 content as required by this section.

14 (b) A deposit beverage distributor, glass container  
15 importer, or distributor or importer of beverage containers that  
16 sells, offers for sale, or distributes beverage containers in or  
17 into the State shall meet the following annual minimum  
18 postconsumer recycled content on average for the total quantity  
19 of beverage containers that are sold, offered for sale, or  
20 distributed in the State:



- 1           (1) No less than fifteen per cent postconsumer recycled  
2                   content by weight by December 31, 2026;
- 3           (2) No less than twenty-five per cent postconsumer  
4                   recycled content by weight by December 31, 2031; and
- 5           (3) No less than fifty per cent postconsumer recycled  
6                   content by weight on and after January 1, 2032.
- 7           (c) The department shall enforce this part and, subject to  
8 chapter 91, may adopt rules with respect to:
- 9           (1) Adjusting the minimum postconsumer recycled content  
10                   percentage required pursuant to this section;
- 11           (2) Reporting requirements by deposit beverage  
12                   distributors, glass container importers, and  
13                   distributors or importers of beverage containers  
14                   subject to this part;
- 15           (3) Providing penalties or fees; and
- 16           (4) Any other matters as may be necessary in order to  
17                   implement this part."

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:





# S.B. NO. 2997

**Report Title:**

Deposit Beverage Distributors; Glass Container Importers;  
Postconsumer Recycled Content; DOH

**Description:**

Requires deposit beverage distributors, glass container importers, and distributors or importers of beverage containers that sell, offer for sale, or distribute beverage containers in the State to meet minimum postconsumer recycled content requirements, beginning with a 12/31/2026 deadline.

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