
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that perfluoroalkyl and
2 polyfluoroalkyl substances (PFAS) are persistent, toxic
3 substances that can contaminate drinking water, bioaccumulate in
4 fish and wildlife, and have multiple adverse health effects on
5 humans. PFAS are utilized in a broad range of products,
6 including clothing, textiles, food packaging, and cosmetic
7 products, such as lotions, nail polish, shaving cream, and
8 mascara.

9 The legislature further finds that PFAS are often called
10 "forever chemicals" due to the fact that they do not naturally
11 break down in the environment and can continue to pollute the
12 environment for thousands of years. PFAS can enter the human
13 body when consumed, applied directly on skin, and after eating
14 food packaged in materials that contain PFAS. In 2022, the
15 legislature passed Act 152, Session Laws of Hawaii 2022, which
16 prohibits, by the end of 2024, PFAS in certain types of food
17 packaging and firefighting foam. However, in light of the



1 recent spill of approximately one thousand three hundred gallons
2 of toxic PFAS-containing firefighting foam at Red Hill in
3 November 2022 and the discovery of another firefighting foam
4 spill in September 2020, it is evident that further action is
5 needed.

6 As an island state, when these forever chemicals are
7 brought here, they never leave. Instead, they make their way
8 into residents' bodies and the State's wastewater, landfills,
9 and eventually groundwater and drinking water supply. Hawaii
10 can no longer afford to import toxic substances that contaminate
11 the State's finite resources and risk residents' health.

12 Accordingly, the purpose of this Act is to prohibit the
13 manufacture, sale, offer for sale, distribution for sale, and
14 distribution for use of any food packaging, food service ware,
15 cosmetic, or personal care product that contains intentionally
16 added PFAS.

17 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
18 amended by adding a new section to part XLVII to be
19 appropriately designated and to read as follows:

20 "§321- Food packaging, food service ware, cosmetics,
21 personal care products; prohibited items. (a) Beginning



1 December 31, 2026, it shall be unlawful to manufacture, sell,
2 offer for sale, distribute for sale, or distribute for use in
3 the State any food packaging, food service ware, cosmetic, or
4 personal care product that contains intentionally added PFAS;
5 provided that this section shall not apply to:

6 (1) Hydrofluoroolefins used as propellents in cosmetics;

7 (2) A product that is regulated as a drug, medical device,
8 or dietary supplement by the United States Food and
9 Drug Administration under the Federal Food, Drug, and
10 Cosmetic Act (21 U.S.C. 321 et seq.) or the Dietary
11 Supplement Health and Education Act of 1994; and

12 (3) A combination product as defined under title 21 Code
13 of Federal Regulations section 3.2(e).

14 (b) For the purposes of this section:

15 "Cosmetic" has the same meaning as in section 321-30.4.

16 "Food service ware" means all containers, bowls, bowl lids,
17 clamshells, plates, trays, cups, cup lids, straws, forks,
18 spoons, knives, napkins, utensils, chopsticks, cup sleeves,
19 condiment packets and saucers, stirrers, splash sticks, cocktail
20 sticks, toothpicks, and other like items that are designed for a
21 single use for or alongside prepared foods, including but not



1 limited to service ware for takeout foods or leftovers from
2 partially consumed meals prepared by food vendors.

3 "Intentionally added PFAS" means either of the following:

4 (1) PFAS chemicals that a manufacturer has intentionally
5 added to a product and that have a functional or
6 technical effect on the product; or

7 (2) PFAS chemicals that are intentional breakdown products
8 of an added chemical.

9 "Personal care product" has the same meaning as in section
10 321-30.5."

11 SECTION 3. Section 321-602, Hawaii Revised Statutes, is
12 repealed.

13 ~~["~~[§321-602] Food packaging; prohibited items.~~ (a)~~
14 ~~Beginning December 31, 2024, it shall be unlawful to~~
15 ~~manufacture, sell, offer for sale, distribute for sale, or~~
16 ~~distribute for use in the State any food packaging specified in~~
17 ~~subsection (b) to which PFAS chemicals have been intentionally~~
18 ~~introduced in any amount.~~

19 ~~(b) The prohibition under this section shall apply to~~
20 ~~wraps and liners, plates, food boats, and pizza boxes."]~~



- 1 SECTION 4. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

PFAS; Food Packaging; Food Service Ware; Cosmetics; Personal Care Products; Prohibition

Description:

Prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions. Effective 6/30/3000.
(HD3)

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