
A BILL FOR AN ACT

RELATING TO DEPOSIT BEVERAGE CONTAINER MATERIALS.

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

1 SECTION 1. The legislature finds that solutions to limit
2 negative environmental impacts from plastics production and
3 waste are needed, including minimum postconsumer recycled
4 content requirements and minimum non-petroleum materials content
5 requirements for deposit beverage containers to reduce waste,
6 transition the State away from fossil fuel dependence and toward
7 a circular economy, and encourage interest in recycling among
8 deposit beverage distributors. The implementation of a minimum
9 postconsumer recycled content requirement for deposit beverage
10 containers will divert waste from landfills and direct them to
11 recycling, thus reducing waste. Additionally, the
12 implementation of a minimum non-petroleum materials content
13 requirement for deposit beverage containers will divert
14 postconsumer, post-industrial, and post-agricultural waste from
15 landfills and direct them to recycling, thus reducing waste
16 while transitioning the State toward materials independence and
17 supply chain security. Compliance with either requirement will



1 reduce the negative environmental impacts from plastics
2 production and waste.

3 Therefore, the purpose of this Act is to establish an
4 option for deposit beverage distributors to comply with either
5 minimum postconsumer recycled content requirements or minimum
6 non-petroleum materials content requirements for deposit
7 beverage containers.

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

11 **"PART . POSTCONSUMER RECYCLED CONTENT; NON-PETROLEUM**
12 **MATERIALS CONTENT**

13 **§342G- Definitions.** As used in this part:

14 "Deposit beverage container" has the same meaning as in
15 section 342G-101.

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

18 "Non-petroleum materials" means materials produced from
19 non-petroleum feedstocks not fit for human or animal consumption
20 that provide biobased or biogenic carbon as referenced by ASTM
21 International in ASTM D 6866, limited to:



- 1 (1) Agricultural crop residues;
- 2 (2) Bark, lawn, yard, and garden clippings;
- 3 (3) Leaves, silvicultural residue, and tree and brush
- 4 pruning;
- 5 (4) Wood, wood chips, and wood waste;
- 6 (5) Nonrecyclable pulp or nonrecyclable paper materials;
- 7 (6) Old corrugated cardboard; and
- 8 (7) Cotton waste products.

9 "Non-petroleum materials content" means the content of a
10 product that is made from non-petroleum materials.

11 "Postconsumer recycled content" means the content of a
12 product that is made of recycled materials derived specifically
13 from recycled material generated by households or by commercial,
14 industrial, or institutional facilities in their role as end
15 users of the product and that can no longer be used for its
16 intended purpose, including returns of material from the
17 distribution chain.

18 **§342G- Postconsumer recycled content; non-petroleum**
19 **materials content; requirements; enforcement.** (a) Every
20 deposit beverage distributor that sells, offers for sale, or
21 distributes deposit beverage containers in the State shall meet



1 minimum postconsumer recycled content requirements or minimum
2 non-petroleum materials content requirements pursuant to this
3 section.

4 (b) A deposit beverage distributor that sells, offers for
5 sale, or distributes deposit beverage containers in or into the
6 State shall meet the following annual minimum percentages of
7 either postconsumer recycled content or minimum non-petroleum
8 materials content on average for the total quantity of deposit
9 beverage containers that are sold, offered for sale, or
10 distributed in the State:

- 11 (1) Fifteen per cent by weight or another metric as
12 determined by the department by December 31, 2028;
- 13 (2) Twenty-five per cent by weight or another metric as
14 determined by the department by December 31, 2033; and
- 15 (3) Fifty per cent by weight or another metric as
16 determined by the department on and after January 1,
17 2035;

18 provided that the requirements of this subsection shall not
19 apply to plastic caps or lids and labeling.

20 (c) The department shall enforce this part and, subject to
21 chapter 91, may adopt rules with respect to:



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- 1 (1) Adjusting the minimum postconsumer recycled content
- 2 and minimum non-petroleum materials content
- 3 percentages required pursuant to this section;
- 4 (2) Reporting requirements by deposit beverage
- 5 distributors of deposit beverage containers subject to
- 6 this part;
- 7 (3) Providing penalties or fees; and
- 8 (4) Any other matters as may be necessary in order to
- 9 implement this part."

10 SECTION 3. This Act shall take effect on July 1, 2023.

11 INTRODUCED BY: *Nicole E. Loren*

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Report Title:

Deposit Beverage Distributors; Deposit Beverage Containers;
Postconsumer Recycled Content; Non-petroleum Materials Content;
DOH

Description:

Requires deposit beverage distributors that sell, offer for sale, or distribute deposit beverage containers in the State to meet minimum postconsumer recycled content requirements or minimum non-petroleum materials content requirements.

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