
A BILL FOR AN ACT

RELATING TO LABELING.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . LABELING OF NON-FLUSHABLE PRODUCTS

5 §321- Definitions. As used in this part:

6 "Agency" means the United States Environmental Protection
7 Agency.

8 "Covered product" means:

9 (1) A premoistened nonwoven disposable wipe marketed as a
10 baby or diapering wipe; or

11 (2) A premoistened nonwoven disposable wipe that is:

12 (A) Composed entirely or in part of
13 petrochemical-derived fibers; and

14 (B) Is likely to be used in a bathroom and has
15 significant potential to be flushed, including:

16 (i) Adult hygiene wipes;

17 (ii) Adult incontinence wipes;



- 1 (iii) Antibacterial wipes;
- 2 (iv) Bathroom cleaning wipes;
- 3 (v) Body cleansing wipes;
- 4 (vi) Disinfecting wipes;
- 5 (vii) Facial and makeup removal wipes;
- 6 (viii) Feminine hygiene wipes;
- 7 (ix) General purpose cleaning wipes;
- 8 (x) Hand sanitizing wipes;
- 9 (xi) Hard surface cleaning wipes;
- 10 (xii) Personal care wipes for use on the body; and
- 11 (xiii) Toilet cleaning wipes.

12 "Department" means department of health.

13 "Label notice" means the phrase "DO NOT FLUSH" in a size
14 equal to no less than two per cent of the surface area of the
15 principal display panel.

16 "Principal display panel" means the side of a product
17 package that is most likely to be displayed, presented, or shown
18 under customary display conditions for retail sales. "Principal
19 display panel" includes the following:

- 20 (1) In the case of a cylindrical or nearly cylindrical
21 package, the surface area of the principal display



1 panel contributes forty per cent of the product
2 package, as measured by multiplying the height of the
3 container by the circumference; and

4 (2) In the case of a flexible film package, in which a
5 rectangular prism or nearly rectangular prism stack of
6 wipes is housed within the film, the surface area of
7 the principal display panel constitutes the length
8 multiplied by the width of the side of the package
9 when the flexible packaging film is pressed flat
10 against the stack of wipes on all sides of the stack.

11 "Symbol" means the "DO NOT FLUSH" symbol as depicted in the
12 INDA/EDANA Code of Practice Second Edition and published in the
13 "Guidelines for Assessing the Flushability of Disposable
14 Nonwoven Products, Edition 4, May 2018".

15 §321- Labeling requirement. (a) Except as otherwise
16 provided in paragraph (4), a covered product sold, offered for
17 sale, or distributed for sale in the State shall include the
18 following labels prominently displayed in a conspicuous location
19 that is reasonably viewable each time a covered product is
20 dispensed:

21 (1) If the package is cylindrical or near cylindrical:



- 1 (A) The symbol and label notice shall be placed on
2 the principal display panel; or
- 3 (B) The symbol shall be placed on the principal
4 display panel, and the symbol or label notice, or
5 both, shall be placed on the flip lid, covering
6 no less than eight per cent of the surface of the
7 flip lid, and may be embossed;
- 8 (2) If the package is a flexible film package, the symbol
9 shall be placed on the principal display panel and the
10 dispensing side panel. The label notice shall be
11 placed on the principal display panel, the dispensing
12 side panel, or both;
- 13 (3) If the package is a refillable tub or other rigid
14 packaging intended to be reused, the symbol and label
15 notice shall be placed on the principal display panel;
16 and
- 17 (4) If the packaging is not subject to the requirements
18 described in paragraph (1), (2), or (3), the symbol
19 and label notice shall be placed on the principal
20 display panel.



1 (b) The labels described in subsection (a) (1) and (3),
2 shall comply with the following:

3 (1) No seams, fold, or other package design elements shall
4 obscure the symbol or label notice;

5 (2) The symbol and label notice shall appear in sharp
6 contrast to the background; and

7 (3) The symbol shall be sized no less than two per cent of
8 the surface area of the principal display panel.

9 (c) If a covered product is sold, offered for sale, or
10 distributed for sale in bulk packaging, the label on each
11 individual package of covered products and the outer bulk
12 packaging shall comply with the requirements of this section, as
13 applicable; provided that nothing in this subsection shall apply
14 to:

15 (1) An individual package of covered products contained
16 within the outer bulk packaging that is not intended
17 to dispense individual wipes and contains no retail
18 labeling;

19 (2) Outer bulk packaging that does not obscure the symbol
20 and label notice on the individual packages of covered
21 products; and



1 (3) The outer packaging or outer bulk packaging of
2 consumer products not covered by this section that are
3 sold, offered for sale, or distributed for sale in
4 combination with a covered product; provided further
5 that the symbol and label notice shall be placed on
6 the covered product in a conspicuous location that is
7 reasonably viewable if the packaging of the
8 combination product is smaller than three inches by
9 three inches.

10 (d) No covered products sold, offered for sale, or
11 distributed for sale in the State shall make any representation
12 that a covered product is flushable, including through the use
13 of a product name, endorsement, depiction, illustration,
14 trademark, or trade name.

15 (e) The label requirements provided in this section shall
16 apply to covered products that are regulated pursuant to, and to
17 the extent any label requirements do not conflict with:

18 (1) The Federal Hazardous Substances Act, title 15 United
19 States Code sections 1261 to 1278; and

20 (2) The Federal Insecticide, Fungicide, and Rodenticide
21 Act, title 7 United States Code sections 136 to 136y.



1 (f) No later than January 1, 2026, the manufacturer of a
2 covered product required to be registered with the agency
3 pursuant to the Federal Insecticide, Fungicide, and Rodenticide
4 Act, title 7 United States Code sections 136 to 136y, shall
5 submit a copy of a symbol and label notice pursuant to this
6 section, to the agency. Upon approval of the symbol and label
7 notice by the agency, the manufacturer of the covered product
8 shall submit a copy of the approved symbol and label notice to
9 the department and begin using the approved symbol and label
10 notice or portion thereof. If the agency does not approve the
11 symbol and label notice, the manufacturer of the covered product
12 shall use the symbol and label notice that the agency previously
13 approved until the agency approves a new symbol and label
14 notice. A symbol and label notice approved under this
15 subsection shall be in use within eighteen months after the
16 agency approves the symbol and label notice."

17 SECTION 2. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2025-2026 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2026-2027 for the establishment of two full-time equivalent



1 (2.0 FTE) positions within the department of health to implement
2 this Act, to be allocated as follows:

3 (1) \$ for one full-time equivalent (1.0 FTE)
4 position to conduct inspections and enforcement
5 actions; and

6 (2) \$ for one full-time equivalent (1.0 FTE)
7 position to conduct education and outreach activities.

8 The sums appropriated shall be expended by the department
9 of health for the purposes of this Act.

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. This Act shall take effect on December 31,
14 2050.



Report Title:

DOH; Labeling Requirements; Do Not Flush; Premoistened Nonwoven Disposable Wipes; Consumer Protection; Waste; Environmental Protection; Positions; Appropriations

Description:

Establishes labeling requirements for certain premoistened nonwoven disposable wipes. Requires certain manufacturers of covered products to submit for approval, their "DO NOT FLUSH" label notices and symbols to the United States Environmental Protection Agency by 1/1 2026. Appropriates funds. Effective 12/31/2050. (SD1)

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