
A BILL FOR AN ACT

RELATING TO DEPOSIT BEVERAGE CONTAINER RECYCLING.

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

1 SECTION 1. Chapter 342G, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~S342G-~~ **Eligibility standards for grants; deployment of**
5 **reverse vending machines.** Applications for grants offered
6 pursuant to section 342G-104(b)(6), shall be made to the
7 department of health and contain the information as required by
8 rules adopted by the department of health. At a minimum, the
9 applicant shall:

10 (1) Be licensed or accredited, in accordance with federal,
11 state, or county statutes, rules, or ordinances, to
12 conduct the recycling activities or provide the
13 services for which a grant is awarded, including all
14 requirements of a redemption center;

15 (2) Provide a detailed plan outlining the scope,
16 objectives, and projected impact of the recycling



- 1 project or projects and a clear breakdown of how grant
2 funds will be used;
- 3 (3) Agree to use state funds exclusively for the purposes
4 of this recycling program;
- 5 (4) Indicate capability to properly use the grant for the
6 purpose of the grant program;
- 7 (5) Comply with all applicable federal and state laws
8 prohibiting discrimination against any person on the
9 basis of race, color, national origin, religion,
10 creed, sex, age, sexual orientation, disability, or
11 any other characteristic protected under applicable
12 federal or state law;
- 13 (6) Agree not to use state funds for purposes of
14 entertainment or perquisites;
- 15 (7) Comply with other requirements as the department of
16 health may prescribe, including reporting,
17 documenting, and auditing requirements;
- 18 (8) Comply with all applicable federal, state, and county
19 statutes, rules, and ordinances;
- 20 (9) Agree to indemnify and save harmless the State and its
21 officers, agents, and employees from and against any



1 and all claims arising out of or resulting from
2 activities carried out or projects undertaken with
3 funds provided hereunder and procure sufficient
4 insurance to provide this indemnification if requested
5 to do so by the department of health; and
6 (10) Agree to make available to the department of health
7 all records the applicant may have relating to the
8 grant, to allow state agencies to monitor the
9 applicant's compliance with this section."

10 SECTION 2. Section 342G-104, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Moneys in the deposit beverage container deposit
13 special fund shall be used to reimburse refund values and pay
14 handling fees to redemption centers. The department may also
15 use the money to:

16 (1) Fund administrative, audit, and compliance activities
17 associated with collection and payment of the deposits
18 and handling fees of the deposit beverage container
19 program;

20 (2) Conduct recycling education and demonstration
21 projects;



- 1 (3) Promote recyclable market development activities;
- 2 (4) Support the handling and transportation of the deposit
- 3 beverage containers to end-markets;
- 4 (5) Hire personnel to oversee the implementation of the
- 5 deposit beverage container program, including
- 6 permitting and enforcement activities; ~~and~~
- 7 (6) Provide grants to deploy reverse vending machines in
- 8 the State; and
- 9 ~~[(6)]~~ (7) Fund associated office expenses."

10 SECTION 3. Section 342G-113, Hawaii Revised Statutes, is

11 amended to read as follows:

12 **"§342G-113 Redemption of empty deposit beverage**

13 **containers.** (a) ~~[Except as provided in subsection (b), a]~~ A

14 dealer shall:

- 15 (1) Operate a redemption center by July 1, 2005, and shall
- 16 accept all types of empty deposit beverage containers
- 17 with a Hawaii refund value~~+~~ of the kind, size, and
- 18 brand sold by the dealer;
- 19 (2) Pay to the redeemer the full refund value for all
- 20 deposit beverage containers that bear a valid Hawaii
- 21 refund value; and



(3) Ensure each deposit beverage container collected is recycled, and forward documentation necessary to support claims for payment as stated in section 342G-119 or rules adopted under this part.

(b) Subsection (a) shall not apply to any dealer:

~~[(1) Who is located in a high density population area as defined by the director in rules, and within two miles of a certified redemption center that is operated independently of a dealer;~~

~~+(2)]~~ (1) Who is located in a rural area as defined by rule;

~~[(3)]~~ (2) Who subcontracts with a certified redemption center to be operated on the dealer's premises;

~~[(4)]~~ (3) Whose sales of deposit beverage containers are only via vending machines; or

~~[(5)]~~ (4) Whose place of business is less than ~~[five thousand]~~ _____ square feet of interior space~~+~~

~~+(6) Who can demonstrate physical or financial hardship, or both, based on specific criteria established by rule,~~
~~or~~

~~+(7) Who meets other criteria established by the director.~~



1 ~~Notwithstanding paragraphs (1) and (2), the]~~.

2 (c) The director may allow the placement of redemption
3 centers at greater than prescribed distances to accommodate
4 geographical features while ensuring adequate consumer
5 convenience.

6 ~~[(e)]~~ (d) Regardless of the square footage of a dealer's
7 place of business, dealers who are not redemption centers shall
8 post a clear and conspicuous sign at the primary public entrance
9 of the dealer's place of business that specifies the name,
10 address, and hours of operation of the closest redemption center
11 locations.

12 ~~[(d) If there is no redemption center within the two-mile
13 radius of a dealer due to the criteria described in subsection
14 (b), then the respective county and the State shall determine
15 the need for a redemption center in that area. If a redemption
16 center is deemed necessary, then the State, with assistance from
17 the county, shall establish the redemption center with funding
18 from the deposit beverage container deposit special fund.]~~

19 (e) Regional centers for the redemption of refillable
20 beverage containers may be established in addition to, but not



1 as substitutes for, the means established for the redemption of
2 empty deposit beverage containers prescribed in subsection (a).

3 ~~[(e)]~~ (f) Businesses that sell deposit beverages for on-
4 premises consumption, such as hotels, bars, and restaurants,
5 shall collect used deposit beverage containers from the patron
6 and either use a certified redemption center for the collection
7 of containers or become a certified redemption center."

8 SECTION 4. (a) The department of health shall establish a
9 reverse vending machine pilot program to provide grants to
10 deploy reverse vending machines in the State.

11 (b) The department of health shall adopt rules pursuant to
12 chapter 91, Hawaii Revised Statutes, to establish standards for
13 the distribution of grants to deploy reverse vending machines
14 under the reverse vending machine pilot program.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on December 31,
18 2050.



Report Title:

DOH; Deposit Beverage Container Deposit Special Fund; Beverage Dealers; Redemption Centers; Refillable Beverage Containers; Regional Centers; Reverse Vending Machine Pilot Program

Description:

Repeals certain exemptions for beverage dealers from the requirement to operate redemption centers and amends the types of containers they must accept for redemption. Allows the establishment of regional centers for the redemption of refillable beverage containers but not as substitutes for dealers' means to receive deposit beverage containers. Requires the Department of Health to establish a Reverse Vending Machine Pilot Program to use the Deposit Beverage Container Deposit Special Fund to provide grants to deploy reverse vending machines. Establishes eligibility standards to receive grants from the Department of Health to deploy reverse vending machines. Effective 12/31/2050. (SD1)

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