
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" because they do not naturally break down in
11 the environment and can continue to pollute the environment for
12 thousands of years. PFAS can enter the human body when
13 consumed, when applied directly on skin, and after eating food
14 packaged in materials that contain PFAS. Although the
15 legislature enacted Act 152, Session Laws of Hawaii 2022, to
16 prohibit PFAS in certain types of food packaging and



1 firefighting foam by the end of 2024, it is evident that further
2 action is needed.

3 When these forever chemicals are brought into the State,
4 they never leave. Instead, they make their way into residents'
5 bodies and the State's wastewater, landfills, and eventually
6 groundwater and the drinking water supply. The State can no
7 longer afford to import toxic substances that contaminate the
8 State's finite resources and risk residents' health.

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

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

17 "§321- Food packaging, food service ware, cosmetics,
18 personal care products; prohibited items. (a) Beginning
19 January 1, 2028, it shall be unlawful to manufacture, sell,
20 offer for sale, distribute for sale, or distribute for use in
21 the State any food packaging, food service ware, cosmetic, or



personal care product that contains intentionally added PFAS;

provided that this section shall not apply to:

(1) Hydrofluoroolefins used as propellants in cosmetics;

(2) A product that is regulated as a drug, medical device,

or dietary supplement by the United States Food and

Drug Administration under the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 321 et seq.) or the Dietary

Supplement Health and Education Act of 1994; and

(3) A combination product as defined under title 21 Code

of Federal Regulations section 3.2(e).

(b) For the purposes of this section:

"Cosmetic" has the same meaning as defined in section

321-30.4.

"Food service ware" means all containers, bowls, bowl lids,

clamshells, plates, trays, cups, cup lids, straws, forks,

spoons, knives, napkins, utensils, chopsticks, cup sleeves,

condiment packets and saucers, stirrers, splash sticks, cocktail

sticks, toothpicks, and other like items that are designed for a

single use for or alongside prepared foods, including but not

limited to service ware for takeout foods or leftovers from

partially consumed meals prepared by food vendors.



1 "Intentionally added PFAS" means PFAS that a manufacturer
2 has intentionally added to a product and that have a functional
3 or technical effect on the product.

4 "Manufacturer" means:

5 (1) Any entity that produces or manufactures a product
6 covered under this section; or

7 (2) In the case of a cosmetic, any person whose name
8 appears on the label of a cosmetic product pursuant to
9 the requirements of title 21 Code of Federal
10 Regulations section 701.12.

11 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"
12 means fluorinated substances that contain a perfluoroalkyl
13 moiety with two adjacent fully fluorinated carbons or
14 perfluoroalkyl ether moiety, and at least one fully fluorinated
15 methyl or methylene carbon atom without any hydrogen, chlorine,
16 bromine, or iodine atom attached to it. "PFAS" also means any
17 chemical with at least a perfluorinated methyl group (-CF₃) or a
18 perfluorinated methylene group (- CF₂-).

19 "Personal care product" has the same meaning as defined in
20 section 321-30.5."



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

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

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that section 3 of this Act shall take effect on January 1, 2028.



Report Title:

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

Description:

Beginning 1/1/2028, 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. (SD1)

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