
A BILL FOR AN ACT

RELATING TO SINGLE-USE PLASTICS.

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

1 SECTION 1. The legislature finds that the local and global
2 impact of the world's increasing waste stream is unsustainable
3 and detrimental to the future of Hawaii's economy, the
4 environmental integrity of our islands, and the health of the
5 people. There has been an exponential rise in single-use food
6 ware items over the past few decades globally, with particularly
7 high increases in plastics and bioplastics. Single-use
8 disposable food ware items, including cups, lids, and single-use
9 food containers, are major contributors to street and beach
10 litter, ocean pollution, and marine and other wildlife harm.

11 A significant portion of marine debris, estimated to be
12 eighty per cent, originates on land, primarily as escaped refuse
13 and litter, much of it plastic, via urban runoff. It is now
14 estimated that 8.75 million metric tons of plastic enter our
15 ocean each year from land-based sources.

16 These land-based plastics degrade into pieces and particles
17 of all sizes, including microplastics, and are present in the



1 world's oceans at all trophic levels. Among other hazards,
2 plastic debris attract and concentrate ambient pollutants like
3 heavy metals and persistent organic pollutants in seawater and
4 freshwater, which can transfer to fish and other seafood that
5 are eventually caught and sold for human consumption.

6 The need for significant change in Hawaii was underscored
7 in 2020, when the United States Environmental Protection Agency
8 found that several of the State's beaches are impaired by trash,
9 with the majority of the pollutants composed of single-use
10 plastics. Although countries, states, and cities around the
11 world have banned some single-use plastics, the plastic
12 pollution problem persists with the rise of certain bioplastics.

13 Not all bioplastics are designed to degrade completely or
14 quickly in the natural environment. Only fifty per cent of
15 bioplastics are in fact biodegradable, and many biodegradable
16 options are fossil-fuel-based. While bio-based plastics like
17 polylactic acid and conventional plastics with enhanced
18 degradation are commonly touted as sustainable alternatives to
19 conventional plastics, these products will often only break down
20 and meet compostable requirements when sent to an industrial
21 composting facility. Outside of the controlled conditions of a



1 waste management facility, biodegradable plastics can have some
2 of the same impacts as conventional plastics, including breaking
3 down into small, problematic pieces while also releasing
4 greenhouse gases.

5 Like conventional plastics, bioplastics are produced in
6 facilities that drive pollution and are likely to end up in
7 landfills and incinerators. Industrial facilities, including
8 those producing bioplastics, are likely to be developed in
9 underserved communities, as are most forms of waste
10 infrastructure. These sites emit dangerous pollutants, reduce
11 overall quality of life, and pose a heightened risk of
12 industrial accidents like fires and explosions.

13 The legislature further finds that cleaning up plastic
14 presents a significant cost to Hawaii taxpayers. The cost of
15 increasing cleanups by government agencies, businesses, and the
16 general public is rising to account for expensive management and
17 mitigation practices. A study of over ninety counties in
18 California concluded that taxpayers are paying \$428,000,000 per
19 year to clean up plastic through storm drain management, street
20 sweeping, and marine cleanups. San Diego county, which has an



1 equivalent population to Hawaii at 1,300,000 people, spends
2 \$14,000,000 annually cleaning up plastic.

3 Alternatives to bioplastics already exist for many take-out
4 items. Zero waste plastic reduction plans are moving forward
5 all over the world, including within the European Union, Canada,
6 the United Kingdom, Ethiopia, Costa Rica, and municipalities
7 across the United States.

8 Per- and polyfluoroalkyl substances (PFAS) are highly toxic
9 chemicals that are sometimes used in food packaging to make it
10 waterproof and greaseproof. PFAS are highly persistent and are
11 sometimes called "forever chemicals," are highly mobile and can
12 migrate into food, are water soluble, and can contaminate
13 groundwater and the environment. People can be exposed to PFAS
14 by consuming contaminated food or water, using products that
15 contain PFAS, or breathing air that contains PFAS. PFAS have
16 been linked to higher cancer risk, including kidney and
17 testicular cancer, weaker immune response, lower birth weight,
18 hormone disruption, liver and kidney toxicity, and reproductive
19 and developmental toxicity. The United States Food and Drug
20 Administration has ended the sales of grease-proofing materials
21 containing PFAS sold by manufacturers for use in food contact



1 packaging, a positive step forward towards reevaluating
2 chemicals authorized for use with, and in food, and the
3 protection of consumers from potentially harmful food-contact
4 chemicals. California, New York, Washington, Vermont,
5 Connecticut, Colorado, and Minnesota have already passed laws
6 restricting the use of PFAS in food packaging.

7 The purpose of this Act is to establish a prohibition on
8 the use, sale, and distribution of disposable or single-use
9 plastic food ware and refillable, reusable, disposable, or
10 single-use food ware containing PFAS by businesses beginning on
11 January 1, 2028.

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

15 "§321- Single-use plastic food ware; reusable,
16 refillable, disposable, or single-use food ware containing
17 perfluoroalkyl and polyfluoroalkyl substances; prohibited. (a)
18 After January 1, 2028, no business where food or beverages that
19 are packaged and sold on the business' premises for individual
20 consumption shall use, sell, or distribute disposable or single-
21 use plastic food ware.



1 (b) The prohibitions in subsection (a) shall not apply to
2 the following:

3 (1) Reusable, refillable containers; and

4 (2) Packaging in any situation deemed by the State or a
5 county to be an emergency requiring immediate action

6 for the preservation of life, health, property,

7 safety, or essential public services and where

8 adherence to the prohibitions established by this

9 section would be reasonably deemed to hinder emergency

10 response or relief efforts.

11 (c) After January 1, 2028, no business where food or
12 beverages that are packaged and sold on the business' premises

13 for individual consumption shall use, sell, or distribute

14 reusable, refillable, disposable, or single-use food ware that

15 contains regulated perfluoroalkyl and polyfluoroalkyl

16 substances.

17 (d) Enforcement and administration of this section shall

18 be under the jurisdiction of the department of health. Any food

19 vendor or business violating any provision of this section or

20 any rule adopted pursuant to this section shall:



1 (1) Be ordered to discontinue the distribution or sale of
2 items prohibited by this section; and

3 (2) If continuing the distribution despite the order, be
4 subject to a fine of no less than \$100 nor more than
5 \$1,000 for each day of violation.

6 The director of health may institute a civil action in any court
7 of competent jurisdiction for injunctive relief to correct or
8 abate violations of this section or any rule adopted pursuant to
9 this section, collect administrative penalties, or obtain other
10 relief.

11 (e) Nothing in this section shall prohibit a county from
12 enacting an ordinance that is more stringent in the prohibition
13 of disposable or single-use plastic food ware or refillable,
14 reusable, disposable, or single-use food ware containing
15 regulated perfluoroalkyl and polyfluoroalkyl substances, or
16 supersede any such ordinance.

17 (f) For the purposes of this section:

18 "Business" means any commercial enterprise or establishment
19 operating in the State, including an individual proprietorship,
20 joint venture, partnership, corporation, limited liability
21 company, or other legal entity, whether for profit or not for



1 profit, and includes all employees of the business or any
2 independent contractors associated with the business.

3 "Disposable" means designed to be discarded after a single
4 or limited number of uses and not designed or manufactured for
5 long-term reuse.

6 "Food ware" means hot and cold beverage cups, cup lids,
7 straws, utensils, stirrers, cup stoppers, splash sticks, plates,
8 bowls, "clamshells", trays, or other containers and their lids
9 that are intended to hold or package food or beverages.

10 "Plastic":

11 (1) Means a synthetic or semisynthetic material chemically
12 synthesized by the polymerization of organic
13 substances that can be shaped into various rigid and
14 flexible forms;

15 (2) Includes, without limitation, polyethylene
16 terephthalate, high density polyethylene, polyvinyl
17 chloride, low density polyethylene, polypropylene,
18 polystyrene, polylactic acid, and aliphatic
19 biopolyesters, such as polyhydroxyalkanoate and
20 polyhydroxybutyrate; and



1 (3) Does not include natural rubber, aluminum, glass,
2 paper, bamboo, sugarcane, coconut husk, cassava,
3 polymers such as proteins or starches or other
4 biomass, or reusable containers.

5 "Plastic food ware" means food ware that contains plastic.

6 "Regulated perfluoroalkyl and polyfluoroalkyl substances"

7 or "PFAS":

8 (1) Means a class of fluorinated organic chemicals
9 containing at least one fully fluorinated carbon atom;
10 and

11 (2) Includes:

12 (A) Perfluoroalkyl and polyfluoroalkyl substances
13 that a manufacturer has intentionally added to a
14 product and that have a functional or technical
15 effect in the product, including the
16 perfluoroalkyl and polyfluoroalkyl substance
17 components of intentionally added chemicals and
18 perfluoroalkyl and polyfluoroalkyl substances
19 that are intentional breakdown products of an
20 added chemical that also have a functional or
21 technical effect in the product; or



1 (B) The presence of perfluoroalkyl and
2 polyfluoroalkyl substances in a product or
3 product component at or above one hundred parts
4 per million, as measured in total organic
5 fluorine.

6 "Reusable", "refillable", "reuse", or "refill", in regard
7 to packaging or food ware, means:

8 (1) For packaging or food ware that is reused or refilled
9 by a producer:

10 (A) Explicitly designed and marketed to be utilized
11 multiple times for the same product, or for
12 another purposeful packaging use in a supply
13 chain;

14 (B) Designed for durability to function properly in
15 its original condition for multiple uses;

16 (C) Supported by adequate infrastructure to ensure
17 the packaging or food ware can be conveniently
18 and safely reused or refilled for multiple
19 cycles; and



(D) Repeatedly recovered, inspected, and repaired, if necessary, and reissued into the supply chain for reuse or refill for multiple cycles; or

(2) For packaging or food ware that is reused or refilled by a consumer:

(A) Explicitly designed and marketed to be utilized multiple times for the same product;

(B) Designed for durability to function properly in its original condition for multiple uses; and

(C) Supported by adequate and convenient availability of and retail infrastructure for bulk or large format packaging that may be refilled to ensure the packaging or food ware can be conveniently and safely reused or refilled by the consumer multiple times.

"Single-use" means conventionally disposed of after a single use or not sufficiently durable or washable to be, or not intended to be, reusable or refillable."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Disposable and Single-use Plastic Food Ware; Refillable, Reusable, Disposable, or Single-use Food Ware Containing PFAS; Prohibition; Solid Waste; PFAS

Description:

Prohibits the use, sale, and distribution of disposable or single-use plastic food ware and refillable, reusable, disposable, or single-use food ware containing perfluoroalkyl and polyfluoroalkyl substances by businesses beginning on 1/1/2028. Effective 7/1/3000. (HD1)

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