

JAN 21 2026

A BILL FOR AN ACT

RELATING TO SUGAR-SWEETENED BEVERAGES.

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

1 SECTION 1. The legislature finds that the Centers for
2 Disease Control and Prevention defines sugar-sweetened beverages
3 as any drinks that are sweetened with various forms of added
4 sugars. Sugar-sweetened beverages are the leading sources of
5 added sugars in the American diet. Frequent consumption of
6 sugar-sweetened beverages is associated with serious health
7 problems, including weight gain, obesity, type 2 diabetes, heart
8 disease, non-alcoholic liver disease, tooth decay and cavities,
9 and gout, a type of arthritis. In response to the proven
10 adverse health effects, over thirty-five jurisdictions require
11 warning labels on food and beverage products containing
12 excessive sugar. These jurisdictions include San Francisco, New
13 York City, the European Union, and Singapore, among others.
14 Many other jurisdictions in the United States have implemented a
15 sugar tax on certain sugar-sweetened beverages to dissuade the
16 public's consumption of these products. Many cities and states



1 in the United States continue to introduce legislation requiring
2 warning labels on sugar-sweetened beverages.

3 The legislature additionally finds that studies published
4 by the National Institute of Health have found that adults who
5 regularly consume sugar-sweetened beverages (about one can of
6 soda per day) have a forty-six per cent higher risk of
7 developing prediabetes compared to low- or non-consumers over a
8 fourteen-year period. Another study found that people who
9 consume one to two cans of sugar-sweetened beverages per day
10 have a twenty-six per cent greater risk of developing type 2
11 diabetes than people who rarely have such drinks.

12 The legislature further finds that drinking sugar-sweetened
13 beverages can also significantly contribute to tooth decay. A
14 2016 department of health report found that seventy-one per cent
15 of third graders in Hawaii are affected by tooth decay, making
16 Hawaii the state with the highest prevalence of tooth decay
17 among third graders in the nation. Hawaii recently received a
18 failing grade in a series of oral health report cards released
19 by The Pew Center on the States.

20 Accordingly, the purpose of this Act is to require a
21 warning label on certain sugar-sweetened beverage containers and



1 packaging to alert consumers and the public of the health
2 effects of sugary drinks. Adding warning labels to sugar-
3 sweetened beverages will complement other program and policy
4 efforts to reduce obesity and chronic diseases in the State by
5 allowing consumers to make informed choices.

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

9 **"PART . EXCESSIVE SUGAR WARNING LABELS FOR BEVERAGES**

10 **S321-A Definitions.** As used in this part:

11 "Added sugars" has the same meaning as defined in title 21
12 United States Code section 101.9(c)(6)(iii).

13 "Beverage" means mineral waters, fruit juices, ades, and
14 other similar noncarbonated drinks, soda water, and flavored
15 carbonated drinks, in liquid form and intended for human
16 consumption.

17 "Beverage container" means the individual, separate, sealed
18 glass, metal, paper, or plastic bottle or can, containing a
19 beverage.

20 "Concentrate" means a syrup, powder, or base product that
21 is used for mixing, compounding, or making sugar-sweetened



1 beverages in a soda fountain or beverage dispensing machine.

2 "Concentrate" does not include the following:

3 (1) Any product that is solely used in preparing coffee or

4 tea;

5 (2) Infant formula;

6 (3) Any product intended to be used for weight reduction;

7 (4) Milk or milk products;

8 (5) Any frozen concentrate or freeze-dried concentrate to

9 which only water is added to produce a sweetened

10 beverage containing more than fifty per cent natural

11 fruit juice, natural vegetable juice, or combination

12 of natural fruit juice and natural vegetable juice;

13 (6) Any product that is sold and is intended to be used

14 for the purpose of an individual consumer mixing a

15 sweetened beverage;

16 (7) Medical food; and

17 (8) Any product in which there are no added sugars.

18 "Consumer" means a person who purchases a sugar-sweetened

19 beverage for consumption and not for sale to another.

20 "Department" means the department of health.

21 "Distribution" means the:



- 1 (1) Sale of beverage containers containing sugar-sweetened
2 beverages or concentrate to a retailer;
- 3 (2) Receipt of untaxed beverage containers containing
4 sugar-sweetened beverages or concentrate in the State
5 from an unregistered out-of-state distributor by a
6 retailer;
- 7 (3) Retail sale of untaxed sugar-sweetened beverages or
8 concentrate in the State; or
- 9 (4) Use or consumption of untaxed beverage containers
10 containing sugar-sweetened beverages or concentrate in
11 the State by a distributor or retailer. For the
12 purposes of this paragraph, "use or consumption"
13 includes the exercise of any right or power over
14 beverage containers containing sugar-sweetened
15 beverages or concentrate incident to the beverages'
16 ownership, except that it does not include the sale of
17 that property or the keeping or retention of the
18 property by a distributor or retailer for the purpose
19 of sale.



1 or distributes beverage containers containing sugar-sweetened
2 beverages or concentrate for sale to retailers doing business in
3 the State regardless of whether that person also sells the
4 products to consumers.

5 "Milk" means natural liquid milk regardless of animal
6 source or butterfat content; natural milk concentrate, whether
7 or not reconstituted, regardless of animal source or butterfat
8 content; dehydrated natural milk, whether or not reconstituted
9 and regardless of animal source or butterfat content; soy milk;
10 oat milk; coconut milk; or rice milk.

11 "Natural fruit juice" or "natural vegetable juice" means
12 the original liquid resulting from the pressing of fruits or
13 vegetables, respectively, or the liquid resulting from the
14 dilution of dehydrated natural fruit juice or natural vegetable
15 juice, respectively.

16 "Non-alcoholic beverage" means any beverage that contains
17 less than one-half of one per cent alcohol by volume.

18 "Powder" means any solid mixture of ingredients that:
19 (1) Contains added sugars; and



14 "Retailer" means any person who sells or otherwise
15 dispenses in the State a sugar-sweetened beverage or concentrate
16 to a consumer regardless of whether that person is also a
17 distributor. "Retailer" includes a person who operates a
18 facility where sugar-sweetened beverages may be purchased from
19 vending machines.



1 "Sale" or "sell" means the transfer of title or possession,
2 or both, exchange or barter, in any manner or by any means
3 whatsoever, whether or not consideration is paid.

4 "Soda fountain" means any device that dispenses a
5 sugar-sweetened beverage into an unsealed container as a
6 ready-to-drink beverage.

7 "Sugar-sweetened beverage" means any non-alcoholic
8 beverage, carbonated or noncarbonated, that is intended for
9 human consumption and contains twenty-five grams or more of
10 added sugars per serving. "Sugar-sweetened beverage" does not
11 include:

12 (1) Beverages consisting of one hundred per cent natural
13 fruit juice or natural vegetable juice with no added
14 sugars;

15 (2) Milk without any added sugars;

16 (3) Liquid dietary aids manufactured for use as:

17 (A) An oral nutritional therapy for persons who
18 cannot absorb or metabolize dietary nutrients
19 from food or beverages;

20 (B) A source of necessary nutrition used due to a
21 medical condition; or

1 (C) An oral electrolyte solution for infants and
2 children formulated to prevent dehydration due to
3 illness; and
4 (4) Infant formula

S "Syrup" means any liquid mixture of ingredients that:

6 (1) Contains added sugars; and

7 (2) Is used in making, mixing, or compounding a

8 sugar-sweetened beverage by combining the syrup with

9 one or more other ingredients, including:

10 (A) Water;

11 (B) Ice;

12 (C) Powder;

13 (D) Simple syrup;

14 (E) Fruits;

15 (F) Vegetables;

16 (G) Fruit juice;

17 (H) Vegetable juice

18 (I) Carbonation; or

19 (J) Other gas.

20 "Unsealed container"

20 "Unsealed container" means a container, including a glass,
21 cup, or any container for fountain drinks, into which a beverage



1 is dispensed or poured at the business premises where the
2 beverage is purchased.

3 **S321-B Warning label required for sugar-sweetened**
4 **beverages.** (a) Beginning July 1, 2027, no person shall
5 distribute, sell, or offer for sale a beverage container
6 containing a sugar-sweetened beverage unless the beverage
7 container bears the following warning label in bold typeface:
8 "WARNING: Excessive sugar."

9 The warning label shall:

10 (1) Be prominently displayed, readily legible under normal
11 conditions, separate and apart from all other
12 information, and on a contrasting background;
13 (2) Include only conspicuous and legible type in contrast
14 by typography, layout, or color with all other printed
15 material on the beverage container;
16 (3) Appear in a font size and using a maximum number of
17 characters per inch, as follows:
18 (A) For beverage containers of eight fluid ounces or
19 less, the warning label shall be in a font not
20 smaller than one millimeter and not more than
21 forty characters per inch;



1 (B) For beverage containers of more than eight fluid
2 ounces and less than two liters, the warning
3 label shall be in a font not smaller than two
4 millimeters and not more than twenty-five
5 characters per inch; and

6 (C) For beverage containers of two liters or more,
7 the warning label shall be in a font not smaller
8 than three millimeters and not more than twelve
9 characters per inch;

10 (4) Include the word "WARNING" in capital letters;
11 (5) Be enclosed in a rectangular border; and
12 (6) Be printed directly on the beverage container or
13 affixed to the beverage container so that the warning
14 label cannot be removed without thorough application
15 of water or other solvents.

16 (b) Beginning July 1, 2027, no person shall distribute,
17 sell, or offer for sale a multipack of beverage containers
18 containing sugar-sweetened beverages unless the multipack bears
19 the warning label required by subsection (a). The warning label
20 shall be posted conspicuously on at least two sides of the



1 multipack, in addition to being posted on each individual
2 beverage container.

3 (c) Beginning July 1, 2027, no person shall distribute,
4 sell, or offer for sale a concentrate in packaging that is
5 intended for retail sale unless the packaging of the concentrate
6 bears the warning label required by subsection (a).

7 (d) The department shall establish rules pursuant to
8 chapter 91 to effectuate the purposes of this part.

9 **S321-C Vending machines; soda fountains; point of sale;**
10 **warning label requirements.** (a) Beginning July 1, 2027, every
11 person who owns, leases, or legally controls the premises where
12 a vending machine or soda fountain is located, or where a
13 sugar-sweetened beverage is sold in an unsealed container, shall
14 cause to be placed a warning label in each of the following
15 locations:

16 (1) On the exterior of any vending machine that includes a
17 sugar-sweetened beverage for sale;
18 (2) On the exterior of any soda fountain used by a
19 consumer to dispense a sugar-sweetened beverage
20 through self-service; and



6 (b) The warning label required pursuant to this section
7 shall use the same language as required in section 321-B(a).

8 (c) The warning label required pursuant to this section
9 shall be prominently displayed, readily legible, separate and
10 apart from all other information, and on a contrasting
11 background.

12 **§321-D Enforcement and penalties.** (a) Each beverage
13 container, multipack, and package of concentrate distributed,
14 sold, or offered for sale in violation of this part shall
15 constitute a separate violation. Each day of a continuing
16 violation of this part shall constitute a separate violation.

17 (b) Any person who has violated any of the requirements of
18 this part shall be liable for a civil penalty of not less than
19 \$500 nor more than \$1,000 for each day of violation."

20 SECTION 3. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 4. In codifying the new sections added by
6 section 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: SES



S.B. NO. 2345

Report Title:

DOH; Sugar-Sweetened Beverages; Excessive Sugar; Warning Label; Beverage Container; Soda Fountain; Vending Machine; Requirements; Penalties; Rules

Description:

Beginning July 1, 2027, requires certain sugar-sweetened beverages to contain an excessive sugars warning label. Establishes civil penalties. Requires the Department of Health to adopt rules.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

