

JAN 22 2026

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. The legislature finds that, as an island state
2 with limited land space, Hawaii must limit waste generation or
3 face increasing and costly reliance on off-island waste disposal
4 and recycling management. The legislature further finds that in
5 2005, Hawaii implemented a deposit return program for certain
6 beverage containers that has performed better than curbside
7 recycling programs, but whose performance and convenience have
8 declined over time, making it difficult for many residents to
9 redeem containers and obtain their deposit refunds.

10 The legislature also finds that well-designed deposit
11 return systems have been proven to significantly reduce litter
12 and packaging pollution by as much as eighty per cent. These
13 programs achieve recycling rates between eighty and ninety per
14 cent and produce high-quality materials that support closed-loop
15 recycling and reduce reliance on virgin resources.

16 Accordingly, the purpose of this Act is to update the
17 deposit return program to improve efficiency and performance,



1 reduce burdens on retailers, expand convenient redemption
2 opportunities, and strengthen environmental and economic
3 benefits for the State by repealing the existing deposit
4 beverage container program and replacing it with a program
5 administered by a recycling refund producer responsibility
6 organization.

7 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 **"PART**

11 **RECYCLING REFUND PRODUCER RESPONSIBILITY ORGANIZATION PROGRAM**

12 **§342G-A Definitions.** As used in this chapter, unless the
13 context otherwise requires:

14 "Brand" means a name, symbol, word, logo, or mark that
15 identifies an item and attributes the item and its components,
16 including packaging, to the brand owner of the item.

17 "Brand owner" means a person or entity that owns or
18 licenses a brand or that otherwise has rights to market a
19 product under the brand, whether or not the brand's trademark is
20 registered.



1 "Consumer" means a person who buys a beverage in a deposit
2 beverage container for use or consumption and pays the deposit.

3 "Contracted redemption pick-up operators" means affiliated
4 or unaffiliated companies or organizations that provide
5 individualized valet or pick-up services of aggregated deposit
6 beverage containers for single-family or multifamily households.

7 "Dealer" means a person that engages in the sale of
8 beverages in deposit beverage containers to a consumer for off-
9 premises consumption in the State.

10 "Department" means the department of health.

11 "Deposit beverage" means beer, ale, or other drink produced
12 by fermenting malt; mixed spirits; mixed wine; tea and coffee
13 drinks regardless of dairy-derived product content; soda;
14 noncarbonated water; and all nonalcoholic drinks in liquid form
15 that are intended for internal human consumption and are
16 contained in a deposit beverage container.

17 "Deposit beverage" does not include:

18 (1) A liquid that is:

19 (A) A syrup;

20 (B) In a concentrated form; or



1 (C) Typically added as a minor flavoring ingredient
2 in food or drink, such as extracts, cooking
3 additives, sauces, or condiments;

4 (2) A liquid that is a drug, medical food, or infant
5 formula as defined by the Federal Food, Drug, and
6 Cosmetic Act (21 U.S.C. 301 et seq.);

7 (3) A single serving of one ounce or less of a dietary
8 supplement as defined in the Dietary Supplement Health
9 and Education Act of 1994 (P.L. 103-417);

10 (4) A liquid that the department finds to be the sole item
11 of a meal or diet;

12 (5) Products frozen at the time of sale to the consumer,
13 or, in the case of institutional users such as
14 hospitals and nursing homes, at the time of sale to
15 the users;

16 (6) Products designed to be consumed in a frozen state;

17 (7) Instant drink powders;

18 (8) Seafood, meat, or vegetable broths, or soups, but not
19 juices; and



(9) Milk and all other dairy-derived products, except tea and coffee drinks with trace amounts of these products.

4 "Deposit beverage container" means the individual,
5 separate, sealed glass, polyethylene terephthalate, high density
6 polyethylene, or metal container less than or equal to sixty-
7 eight fluid ounces, used for containing, at the time of sale to
8 the consumer, a deposit beverage intended for use or consumption
9 in this State.

10 "De minimis producer" means a producer that:

11 (1) In its most recent fiscal year introduced into
12 commerce in the State less than one ton of deposi
13 beverage containers;

14 (2) Has a global gross revenue, not including on-premises
15 alcohol sales, for the prior fiscal year of:

16 (A) Until , , less than \$5,000,000; or
17 (B) Beginning , , less than \$5,000,000
18 as adjusted for inflation.

adjusted for inflation by the department on an annual basis using the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau



3 "Express redemption site" means a designated return
4 location that allows consumers to return deposit beverage
5 containers but do not provide cash handling on-site and instead
6 may transport deposit beverage containers to processing
7 facilities and offer credits in the form of refunds to a
8 consumer's virtual account that is held by the producer
9 responsibility organization or their designee. "Express
10 redemption site" includes bag-drop systems, reverse vending
11 machines, or other redemption modalities that enhance
12 convenience and accessibility for consumers.

13 "Full-service redemption site" means a return location
14 where consumers may return deposit beverage containers to receive
15 immediate refunds.

16 "Person" means individual, partnership, firm, association,
17 public or private corporation, federal agency, the State or any
18 of its political subdivisions, trust, estate, or any other legal
19 entity.

20 "Producer" means the brand owner responsible for the brand
21 visible on a deposit beverage container and that is responsible



1 for compliance with the requirements of this part for a deposit
2 beverage container that is introduced, either physically or via
3 electronic commerce, in the State. "Producer" includes the
4 person that:

5 (1) Is the importer of record for the deposit beverage
6 container into the United States for use in a
7 commercial enterprise that sells, offers for sale, or
8 distributes the item in this State; or
9 (2) First distributes the deposit beverage container in or
10 into this State.

11 "Producer" does not include government entities or
12 charitable organizations or social welfare organizations exempt
13 from federal taxation under section 501(c)(3) or 501(c)(4) of
14 the Internal Revenue Code of 1986, as amended.

15 "Recycling facility" means all contiguous land and
16 structures and other appurtenances, and improvements on the land
17 used for the collection, separation, recovery, and sale or reuse
18 of secondary resources that would otherwise be disposed of as
19 municipal solid waste and is an integral part of a manufacturing
20 process aimed at producing a marketable product made of
21 postconsumer material.



1 "Recycling refund producer responsibility organization" or
2 "producer responsibility organization" means a nonprofit
3 corporation that is exempt from federal taxation under section
4 501(c) (3) of the Internal Revenue Code of 1986, as amended,
5 created by a group of producers to carry out the obligations of
6 producers under this part.

7 "Redeemer" means a person, other than a dealer or
8 distributor, that demands the refund value in exchange for the
9 empty deposit beverage container.

10 "Redemption center" means an operation that accepts from
11 consumers and provides the refund value for empty deposit
12 beverage containers intended to be recycled and ensures that the
13 empty deposit beverage containers are properly recycled.

14 "Reverse vending machine" means a mechanical device that
15 accepts one or more types of empty deposit beverage containers,
16 issues a redeemable credit slip with a value not less than the
17 container's refund value.

18 **§342G-B Recycling refund producer responsibility**
19 **organization.** (a) Each producer in the State shall register
20 with and be a member of a producer responsibility organization
21 within six months after a producer responsibility organization



1 is approved by the department and shall comply with all
2 requirements under this part.

3 (b) A producer responsibility organization shall establish
4 a schedule of membership fees to be paid by members of the
5 organization; provided that de minimis producers shall not be
6 required to pay membership fees.

7 (c) A producer responsibility organization shall be
8 approved by the department no later than one year after the
9 effective date of this Act.

10 (d) The department shall develop and charge the producer
11 responsibility organization for the estimated costs of the
12 department to implement, administer, and enforce the
13 requirements under this part no later than , .

14 (e) A producer responsibility organization shall develop
15 reporting requirements for producers on the type and number of
16 beverage containers sold in the State.

17 (f) A producer responsibility organization shall maintain
18 a registry of all types of deposit beverage containers
19 introduced and redeemed in the State by all registered
20 producers.



5 (h) A producer responsibility organization shall maintain
6 a website that includes a searchable database of current
7 redemption sites and a list of all brands and producers
8 participating in the program.

9 **§342G-C Administrative fees; administrative costs.** The
10 department shall set an annual administrative fee to be paid by
11 the producer responsibility organization to fund administrative,
12 audit, and compliance activities associated with this part.

§342G-D Producer responsibility organization program plan.

14 (a) A producer responsibility organization shall develop and
15 submit a program plan for approval to the department every five
16 years. The program plan shall include:

17 (1) A proposed list of the types and sizes of deposit
18 beverage containers included in the recycling refund
19 program;

20 (2) The fee structure for producer membership fees;



- 1 (3) A description of the redemption network provided by
- 2 the producer responsibility organization that shall
- 3 ensure convenient access for all redeemers;
- 4 (4) A description of how the producer responsibility
- 5 organization intends to:
- 6 (A) Work with and fairly compensate existing
- 7 redemption centers; provided that the fair
- 8 compensation approach for existing redemption
- 9 centers developed by the producer responsibility
- 10 organization shall be approved by the department;
- 11 (B) Develop new redemption opportunities; and
- 12 (C) Ensure convenience standards are met;
- 13 (5) Operating standards that independent redemption
- 14 centers shall follow to be compensated by the producer
- 15 responsibility organization;
- 16 (6) Proposed performance targets for the program and a
- 17 description of how the producer responsibility
- 18 organization intends to achieve these performance
- 19 targets;
- 20 (7) Planned education and outreach activities to promote
- 21 the program, ensure consumers know which deposit



1 beverage containers are redeemable, and provide
2 consumers with convenient access to redemption
3 opportunities;

4 (8) A description of how the producer responsibility
5 organization plans to work with the department to
6 identify instances of fraud and prevent fraud in the
7 program; and

8 (9) Incentives for dealers and retailers that choose to
9 act as certified redemption centers.

10 (b) The program plan shall be submitted after the
11 department conducts rulemaking pursuant to section 342G-R.

12 **§342G-E Department approval; program plan.** (a) The

13 department shall approve or deny a program plan developed
14 pursuant to section 342G-D no later than days after
15 submittal by a producer responsibility organization.

16 (b) In approving a program plan, the department shall
17 consider:

18 (1) Whether the producer responsibility organization
19 describes operating standards and a compensation
20 mechanism that fairly includes independent redemption
21 centers in the redemption network; and



1 (2) Whether the program plan meets the convenience
2 standards pursuant to section 342G-Q, including
3 whether the proposed redemption network:
4 (A) Accounts for the total population, population
5 density, and sales of deposit beverage containers
6 in regions of the State; and
7 (B) Includes a broad range of entities that may opt
8 to serve as a redemption location, including
9 municipal facilities, public spaces,
10 institutions, schools, nonprofit organizations,
11 retailers, religious and charitable
12 organizations, sporting events, and recycling
13 facilities.

§342G-F Producer responsibility organization; fees. (a)

15 In addition to setting and collecting membership fees under
16 section 342G-B(b), the producer responsibility organization
17 shall set and collect fees on a frequency defined in the program
18 plan. The fees shall:

19 (1) Vary based on the total amount of deposit beverage
20 containers each producer introduces in the State; and



1 (2) Reflect program costs for each deposit beverage
2 container type, net of commodity value for that
3 material type when used as a recycling material, as
4 well as allocated fixed costs that do not vary based
5 on material type.

6 (b) After the first program plan, the recycling refund
7 producer responsibility organization shall consider
8 incentivizing using materials and design attributes that reduce
9 the environmental impacts and human health impacts of deposit
10 beverage containers.

§342G-G Beverage deposit; refund value. (a)

12 By , , every deposit beverage container sold or
13 offered for sale for off-site consumption in the State shall
14 have a refund value of 5 cents. Each deposit beverage container
15 shall have the refund value clearly indicated on it as provided
16 in section 342G-H.

17 (b) The refund value shall be stated on a receipt,
18 invoice, or similar billing document given to the consumer and
19 shall not be embedded into the price of the deposit beverage.
20 Deposit beverage containers shall have a visible brand and
21 universal product code to be eligible for refund by a consumer.



6 (d) The deposit on each filled deposit beverage container
7 shall be paid by the producer.

§342G-H Deposit beverage container requirements. (a)

9 Except as provided in subsection (b), every deposit beverage
10 container sold in the State shall clearly indicate the refund
11 value of the deposit beverage container and the word "Hawaii" or
12 the letters "HI". The names or letters representing the names
13 of other states with comparable deposit legislation may also be
14 included in the indication of refund value. The refund value on
15 every deposit beverage container shall be clearly, prominently,
16 and indelibly marked by painting, printing, scratch embossing,
17 raised letter embossing, or securely affixed stickers and shall
18 be affixed on the top or side of the container in letters at
19 least one-eighth inch in size.

20 (b) Subsection (a) shall not apply to any type of
21 refillable glass deposit beverage container that has a brand



1 name permanently marked on it and that has the equivalent of a
2 refund value of at least 5 cents, which is paid upon receipt of
3 the container by a dealer or deposit beverage distributor.

4 (c) A producer responsibility organization may describe
5 through its program plan how producers shall be required to
6 label their deposit beverage containers for identification under
7 the program if additional containers are added to the program.

8 (d) Containers that do not meet the definition of a
9 deposit beverage container shall not indicate "Hawaii" or "HI"
10 on the container.

11 **§342G-I Payment; producer data report.** (a) Each producer
12 shall regularly generate and submit to the producer
13 responsibility organization, as set by the producer
14 responsibility organization, a report on the net number of
15 deposit beverage containers sold, donated, or transferred by
16 container size and type. All information contained in the
17 reports, including confidential commercial and financial
18 information, shall be treated as confidential and protected to
19 the extent allowed by state law.

20 (b) Payment of the deposit beverage container fee pursuant
21 to subsection (a) shall be paid to the producer responsibility



1 organization on a schedule set by the producer responsibility
2 organization.

3 **§342G-J Redemption centers.** (a) Redemption centers
4 shall:

- 5 (1) Accept all types of empty deposit beverage containers
6 for which a deposit has been paid;
- 7 (2) Verify that all deposit beverage containers to be
8 redeemed bear a valid Hawaii refund value;
- 9 (3) Pay to the redeemer the full refund value in either
10 cash or a redeemable voucher for all deposit beverage
11 containers, except as provided in section 342G-L;
- 12 (4) Ensure each deposit beverage container collected is
13 recycled through a contractual agreement with an out-
14 of-state recycler or an in-state recycling facility
15 permitted by the department; provided that this
16 paragraph shall not apply if the redemption center is
17 operated by a recycler permitted by the department;
18 and
- 19 (5) Remain open at least thirty hours per week in high
20 density population areas, of which at least five hours
21 shall be on Saturday or Sunday.



§342G-K Reverse vending machine requirements. (a)

6 Reverse vending machines may be used by redemption centers.

7 Reverse vending machines shall accept any type of empty deposit

8 beverage container and pay out the full refund value in either

9 cash or a redeemable voucher for those containers that bear a

10 valid Hawaii refund value. The refund value payments shall be

11 aggregated and then paid if more than one deposit beverage

12 container is redeemed in a single transaction. If the reverse

13 vending machine is unable to read the barcode then the reverse

14 vending machine shall reject the container.

15 (b) The reverse vending machine shall be routinely
16 serviced to ensure proper operation and continuous acceptance of
17 empty deposit beverage containers and payment of the refund
18 value.

§342G-L Refusal or refund value payment for a deposit

20 beverage container. Redemption centers shall refuse to pay the



1 refund value on any broken, corroded, or dismembered deposit
2 beverage container, or any deposit beverage container that:
3 (1) Contains a free-flowing liquid;
4 (2) Does not properly indicate a refund value;
5 (3) Contains a significant amount of foreign material; or
6 (4) Exhibits characteristics of having been previously
7 processed and baled.

8 **§342G-M Advisory committee.** The department shall convene
9 an advisory committee to assist in developing the rules needed
10 to implement this chapter. The department shall select members
11 of the committee so as to obtain input on the state level as
12 well as assess the impact on each individual county, consumers,
13 recyclers, and the beverage industry. Members of the committee
14 shall be appointed by the director and shall serve at the
15 director's pleasure. A simple majority of the committee members
16 shall constitute a quorum for the purposes of recommending rules
17 and providing input to the director.

18 **§342G-N Sales prohibitions.** Beginning , , no
19 producer shall sell or offer for sale in the State any deposit
20 beverage container unless the producer is registered with and in



1 compliance with an approved recycling refund producer
2 responsibility organization pursuant to this part.

3 **§342G-O Third party audit.** The producer responsibility
4 organization shall hire a third-party auditor every other year
5 to audit the organization.

6 **§342G-P Unredeemed deposits.** Any unredeemed deposits
7 shall be held by the producer responsibility organization and
8 used for program operation and system improvements.

9 **§342G-Q Redemption network convenience standards.** (a)
10 The producer responsibility organization shall propose in its
11 program plan a quantitative convenience standard, such as number
12 of redemption opportunities, for approval by the department,
13 based on measurable criteria, such as travel time and distance.

14 (b) Additional convenience standard requirements shall
15 include:

16 (1) Appropriately convenient and equitable access in
17 urban, suburban, and rural areas, using multiple
18 redemption modalities, including independent
19 redemption centers, express redemption sites, full-
20 service redemption sites, alternative redemption
21 options, and contracted redemption pick-up operators;



9 **S342G-R Rules.** The department shall adopt rules pursuant
10 to chapter 91 necessary for the purposes of this part.

11 SECTION 3. Section 36-27, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Except as provided in this section, and
14 notwithstanding any other law to the contrary, from time to
15 time, the director of finance, for the purpose of defraying the
16 prorated estimate of central service expenses of government in
17 relation to all special funds, except the:

18 (1) Special out-of-school time instructional program fund
19 under section 302A-1310;
20 (2) School cafeteria special funds of the department of
21 education;



- 1 (3) Special funds of the University of Hawaii;
- 2 (4) Convention center enterprise special fund under
- 3 section 201B-8;
- 4 (5) Special funds established by section 206E-6;
- 5 (6) Aloha Tower fund created by section 206J-17;
- 6 (7) Funds of the employees' retirement system created by
- 7 section 88-109;
- 8 (8) Hawaii hurricane relief fund established under chapter
- 9 431P;
- 10 (9) Hawaii health systems corporation special funds and
- 11 the subaccounts of its regional system boards;
- 12 (10) Universal service fund established under section 269-
- 13 42;
- 14 (11) Emergency and budget reserve fund under section 328L-
- 15 3;
- 16 (12) Public schools special fees and charges fund under
- 17 section 302A-1130;
- 18 (13) Sport fish special fund under section 187A-9.5;
- 19 (14) Neurotrauma special fund under section 321H-4;
- 20 (15) Glass advance disposal fee established by section
- 21 342G-82;



- (16) Center for nursing special fund under section 304A-2163;
- (17) Passenger facility charge special fund established by section 261-5.5;
- (18) Solicitation of funds for charitable purposes special fund established by section 467B-15;
- (19) Land conservation fund established by section 173A-5;
- (20) Court interpreting services revolving fund under section 607-1.5;
- (21) Trauma system special fund under section 321-22.5;
- (22) Hawaii cancer research special fund;
- (23) Community health centers special fund;
- (24) Emergency medical services special fund;
- (25) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- (26) Shared services technology special fund under section 27-43;
- (27) Automated victim information and notification system special fund established under section 353-136;
- (28) ~~Deposit beverage container deposit special fund under section 342G-104;~~





1 calculated, the director shall adopt rules pursuant to chapter
2 91 for the purpose of suspending or limiting the application of
3 the central service assessment of any fund. No later than
4 twenty days prior to the convening of each regular session of
5 the legislature, the director shall report all central service
6 assessments made during the preceding fiscal year."

7 SECTION 4. Section 235-18, Hawaii Revised Statutes, is
8 repealed.

9 ~~["[S235-18] Deposit beverage container deposit exemption.~~
10 ~~This chapter shall not apply to amounts received as a deposit~~
11 ~~beverage container deposit collected under part VIII of chapter~~
12 ~~342G.]~~

13 SECTION 5. Section 445-231, Hawaii Revised Statutes, is
14 amended by amending the definition of "beer keg" to read as
15 follows:

16 ~~""Beer keg" means a metal container used to hold five~~
17 ~~gallons or more of liquid that is stamped, engraved, stenciled,~~
18 ~~or otherwise marked with the name of a brewery manufacturer;~~
19 ~~provided that a deposit beverage container, as defined under~~
20 ~~section [342G-101,] 342G-A shall not be considered a beer keg."~~



1 SECTION 6. Section 708-835.8, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) For the purposes of this section, "beer keg" means a
4 metal container used to hold five gallons or more of liquid that
5 is stamped, engraved, stenciled, or otherwise marked with the
6 name of a brewery manufacturer; provided that a deposit beverage
7 container, as defined under section ~~[342G-101,]~~ 342G-A, shall
8 not be considered a beer keg."

9 SECTION 7. Chapter 342G, part VIII, Hawaii Revised
10 Statutes, is repealed.

11 SECTION 8 In codifying the new sections added by section 2
12 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 9. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 10. This Act shall take effect on July 1, 2026;
18 provided that any remaining balance in the deposit beverage
19 container deposit special fund shall lapse to the credit of the
20 general fund.

21



S.B. NO. 2474

INTRODUCED BY: Mike Gabbard



S.B. NO. 2474

Report Title:

Recycling; Deposit Beverage Containers; Recycling Refund Producer Responsibility Organization Program; Deposit Beverage Container Program

Description:

Repeals the Deposit Beverage Container Program and replaces it with the Recycling Refund Producer Responsibility Organization Program.

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

