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# 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 producer or recycling refund producer  
 6 responsibility 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 PROGRAM**

12 **§342G-A Definitions.** As used in this part, 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  
9 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



1 (9) Milk and all other dairy-derived products, except tea  
2 and coffee drinks with trace amounts of these  
3 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 distributed fewer than  
12 two million deposit beverages in deposit beverage  
13 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 adjusted for inflation by the department on an annual

19 basis using the Consumer Price Index for Urban Wage

20 Earners and Clerical Workers published by the Bureau



1 of Labor Statistics of the federal Department of  
2 Labor, beginning , .

3 "Express redemption site" means a designated return  
4 location that allows consumers to return deposit beverage  
5 containers but does not provide cash handling on-site and  
6 instead 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 or  
9 producer responsibility organization or their designee.

10 "Express redemption site" includes bag-drop systems, reverse  
11 vending 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  
15 receive 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) If there is no person in the State who is the producer  
10 for the purposes of paragraph (1), the producer is the  
11 person who first distributes the deposit beverage  
12 container in or into this State.

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

17 "Recycling facility" means all contiguous land and  
18 structures and other appurtenances, and improvements on the land  
19 used for the collection, separation, recovery, and sale or reuse  
20 of secondary resources that would otherwise be disposed of as  
21 municipal solid waste and is an integral part of a manufacturing



1 process aimed at producing a marketable product made of  
2 postconsumer material.

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

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

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

16 "Redemption rate" means the per cent of deposit beverages  
17 eligible for refund that are successfully returned by consumers  
18 for the refund value established pursuant to section 342G-G out  
19 of the total number of deposit beverage containers eligible for  
20 refund.



1 "Reverse vending machine" means a mechanical device that  
2 accepts one or more types of empty deposit beverage containers  
3 and issues a redeemable credit slip with a value no less than  
4 the container's refund value.

5 **§342G-B Producers; producer responsibility organizations;**  
6 **registration.** (a) Each producer in the State shall register  
7 with:

8 (1) The department and implement a producer responsibility  
9 program individually; or

10 (2) A producer responsibility organization, which the  
11 producer shall become a member of, within six months  
12 after a producer responsibility organization is  
13 approved by the department and comply with all  
14 requirements under this part.

15 (b) A producer responsibility organization shall establish  
16 a schedule of membership fees to be paid by members of the  
17 organization; provided that de minimis producers shall not be  
18 required to pay membership fees.

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



1 (d) The department shall develop and charge the producer  
2 or producer responsibility organization for the estimated costs  
3 of the department to implement, administer, and enforce the  
4 requirements under this part no later than , .

5 (e) A producer or producer responsibility organization  
6 shall develop reporting requirements based on the type and  
7 number of beverage containers sold in the State.

8 (f) A producer or producer responsibility organization  
9 shall maintain a registry of all types of deposit beverage  
10 containers it or its registered producers, respectively,  
11 introduced and redeemed in the State.

12 (g) Beginning , , a producer or producer  
13 responsibility organization shall submit an annual report to the  
14 department that demonstrates its compliance with the approved  
15 program plan and meets the criteria outlined in section 342G-D.

16 (h) A producer or producer responsibility organization  
17 shall maintain a website that includes a searchable database of  
18 current redemption sites and a list of all brands and producers  
19 participating in the program.

20 **§342G-C Administrative fees; administrative costs.** The  
21 department shall set an annual administrative fee to be paid by



1 the producer or producer responsibility organization to the  
2 department to fund administrative, audit, and compliance  
3 activities associated with this part.

4 **§342G-D Producer responsibility program plan.** (a) A  
5 producer or producer responsibility organization shall develop  
6 and submit a program plan to the department for approval every  
7 five years. The program plan shall include:

- 8 (1) A proposed list of the types and sizes of deposit  
9 beverage containers included in the recycling refund  
10 program;
- 11 (2) If a producer registers with a producer responsibility  
12 organization pursuant to section 342G-B, the fee  
13 structure for producer membership fees;
- 14 (3) A description of the redemption network provided by  
15 the producer or producer responsibility organization  
16 that shall ensure convenient access for all redeemers;
- 17 (4) A description of how the producer or producer  
18 responsibility organization intends to:
- 19 (A) Work with and fairly compensate existing  
20 redemption centers; provided that the fair  
21 compensation approach for existing redemption



- 1                   centers developed by the producer or producer  
2                   responsibility organization shall be approved by  
3                   the department;
- 4                   (B) Develop new redemption opportunities; and
- 5                   (C) Ensure convenience standards pursuant to section  
6                   342G-Q are met;
- 7                   (5) Operating standards that independent redemption  
8                   centers shall follow to be compensated by the producer  
9                   or producer responsibility organization;
- 10                  (6) A description of how the producer or producer  
11                  responsibility organization intends to achieve the  
12                  redemption rate goals establish pursuant to section  
13                  342G-Q;
- 14                  (7) Planned education and outreach activities to promote  
15                  the program, ensure consumers know which deposit  
16                  beverage containers are redeemable, and provide  
17                  consumers with convenient access to redemption  
18                  opportunities;
- 19                  (8) A description of how the producer or producer  
20                  responsibility organization plans to prevent fraud,  
21                  ensure compliance with its approved plan and this



1 part, identify and report violations of its plan and  
 2 of this part to the department, and conduct corrective  
 3 actions to remedy the violations primarily through  
 4 actions undertaken by the producer or producer  
 5 responsibility organization; and

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

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

10 **§342G-E Department approval; program plan.** (a) The  
 11 department shall approve or deny a program plan developed  
 12 pursuant to section 342G-D no later than days after  
 13 submittal by a producer or producer responsibility organization.

14 (b) In approving a program plan, the department shall  
 15 consider:

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



- 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; and
- 14          (3) Whether the program plan adequately addresses internal  
15          procedures and actions to prevent, address, and report  
16          noncompliance with this part.

17          **§342G-F Membership and other fees.** (a) In addition to  
18          setting and collecting membership fees under section 342G-B(b),  
19          the producer or producer responsibility organization shall set  
20          and collect fees on a frequency defined in the program plan.  
21          The fees shall:



1 (1) Vary based on the total amount of deposit beverage  
2 containers each producer introduces in the State; and  
3 (2) Reflect program costs for each deposit beverage  
4 container type, net of commodity value for that  
5 material type when used as a recycling material, as  
6 well as allocated fixed costs that do not vary based  
7 on material type.

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

13 **§342G-G Beverage deposit; refund value. (a)**

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

18 (b) The refund value shall be stated on a receipt,  
19 invoice, or similar billing document given to the consumer and  
20 shall not be embedded into the price of the deposit beverage.



1 Deposit beverage containers shall have a visible brand and  
2 universal product code to be eligible for refund by a consumer.

3 (c) The refund value shall be the amount of the deposit  
4 required. Once a refund value has been applied to a deposit  
5 beverage container, the deposit on that deposit beverage  
6 container shall not be changed and shall be paid to the producer  
7 or producer responsibility organization.

8 (d) The deposit on each filled deposit beverage container  
9 shall be paid by the producer or producer responsibility  
10 organization.

11 (e) Payment of the deposit beverage container fee pursuant  
12 to subsection (a) shall be paid to the department or the  
13 producer responsibility organization on a schedule set by the  
14 department or producer responsibility organization.

15 **§342G-H Deposit beverage container requirements.** (a)  
16 Except as provided in subsection (b), every deposit beverage  
17 container sold in the State shall clearly indicate the refund  
18 value of the deposit beverage container and the word "Hawaii" or  
19 the letters "HI". The names or letters representing the names  
20 of other states with comparable deposit legislation may also be  
21 included in the indication of refund value. The refund value on



1 every deposit beverage container shall be clearly, prominently,  
2 and indelibly marked by painting, printing, scratch embossing,  
3 raised letter embossing, or securely affixed stickers and shall  
4 be affixed on the top or side of the container in letters at  
5 least one-eighth inch in size.

6 (b) Subsection (a) shall not apply to any type of  
7 refillable glass deposit beverage container that has a brand  
8 name permanently marked on it and that has the equivalent of a  
9 refund value of at least 5 cents, which is paid upon receipt of  
10 the container by a dealer or deposit beverage distributor.

11 (c) A producer or producer responsibility organization may  
12 describe through its program plan how each producer shall be  
13 required to label their deposit beverage containers for  
14 identification under the program if additional containers are  
15 added to the program.

16 (d) Containers that do not meet the definition of a  
17 deposit beverage container shall not indicate "Hawaii" or "HI"  
18 on the container.

19 **§342G-I Payment; producer data report.** Each producer that  
20 registers with a producer responsibility organization pursuant  
21 to section 342G-B, including de minimus producers, shall



1 regularly generate and submit to the producer responsibility  
2 organization, as set by the producer responsibility  
3 organization, a report on the manufacture of deposit beverages  
4 in deposit beverage containers, the importation and exportation  
5 of deposit beverage containers, and the net number of deposit  
6 beverage containers sold, donated, or transferred by container  
7 size and type; provided that a producer that registers with the  
8 department pursuant to section 342G-B shall submit the report to  
9 the department. All information contained in the reports,  
10 including confidential commercial and financial information,  
11 shall be treated as confidential and protected to the extent  
12 allowed by state law.

13 **§342G-J Redemption centers.** (a) Redemption centers  
14 shall:

- 15 (1) Accept all types of empty deposit beverage containers  
16 for which a deposit has been paid;
- 17 (2) Verify that all deposit beverage containers to be  
18 redeemed bear a valid Hawaii refund value;
- 19 (3) Pay to the redeemer the full refund value in either  
20 cash or a redeemable voucher for all deposit beverage  
21 containers, except as provided in section 342G-L;



1           (4) Ensure each deposit beverage container collected is  
2           recycled through a contractual agreement with an out-  
3           of-state recycler or an in-state recycling facility  
4           permitted by the department; provided that this  
5           paragraph shall not apply if the redemption center is  
6           operated by a recycler permitted by the department;  
7           and

8           (5) Remain open at least thirty hours per week in high  
9           density population areas, of which at least five hours  
10          shall be on Saturday or Sunday.

11          (b) Redemption centers' redemption areas shall be  
12 maintained in full compliance with applicable laws and the  
13 orders and rules of the department, including permitting  
14 requirements if deemed necessary, under chapter 342H.

15          **§342G-K Reverse vending machine requirements.** (a)  
16 Reverse vending machines may be used by redemption centers.  
17 Reverse vending machines shall accept any type of empty deposit  
18 beverage container and pay out the full refund value in either  
19 cash or a redeemable voucher for those containers that bear a  
20 valid Hawaii refund value. The refund value payments shall be  
21 aggregated and then paid if more than one deposit beverage



1 container is redeemed in a single transaction. If the reverse  
2 vending machine is unable to read the barcode then the reverse  
3 vending machine shall reject the container.

4 (b) The reverse vending machine shall be routinely  
5 serviced to ensure proper operation and continuous acceptance of  
6 empty deposit beverage containers and payment of the refund  
7 value.

8 **§342G-L Refusal to pay refund value for a deposit beverage**  
9 **container.** Redemption centers shall refuse to pay the refund  
10 value on any broken, corroded, or dismembered deposit beverage  
11 container, or any deposit beverage container that:

- 12 (1) Contains a free-flowing liquid;  
13 (2) Does not properly indicate a refund value;  
14 (3) Contains a significant amount of foreign material; or  
15 (4) Exhibits characteristics of having been previously  
16 processed and baled.

17 **§342G-M Advisory committee.** The department shall convene  
18 an advisory committee to assist in developing the rules needed  
19 to implement this chapter. The department shall select members  
20 of the committee so as to obtain input on the state level as  
21 well as assess the impact on each individual county, consumers,



1 recyclers, and the beverage industry. Members of the committee  
2 shall be appointed by the director and shall serve at the  
3 director's pleasure. A simple majority of the committee members  
4 shall constitute a quorum for the purposes of recommending rules  
5 and providing input to the director.

6       **§342G-N Sales prohibitions.** Beginning , , no  
7 producer shall sell or offer for sale in the State any deposit  
8 beverage container unless the producer is registered with and in  
9 compliance with the department or an approved recycling refund  
10 producer responsibility organization pursuant to this part.

11       **§342G-O Third party audit.** (a) The producer or producer  
12 responsibility organization shall hire a third-party auditor  
13 every other year to audit the producer responsibility  
14 organization, producers, and redemption centers for compliance  
15 with statutory requirements and the approved program plan.

16       (b) Within seven days following completion of the audit,  
17 the producer or producer responsibility organization shall  
18 submit the audit to the department.

19       (c) Within days following the completion of the  
20 audit, the producer or producer responsibility organization



1 shall submit to the department a plan to address audit  
2 recommendations.

3 (d) The producer or producer responsibility organization  
4 shall post the completed audit on its website.

5 **§342G-P Unredeemed deposits.** Any unredeemed deposits  
6 shall be held by the producer or producer responsibility  
7 organization and used for program operation and system  
8 improvements.

9 **§342G-Q Redemption network convenience standards;**  
10 **redemption rate goals.** (a) Each producer or producer  
11 responsibility organization shall ensure convenient and  
12 equitable access to redemption opportunities and establish

13 (1) redemption centers within miles of every  
14 dealer in urban or densely populated areas;

15 (2) redemption centers within miles of every  
16 dealer in suburban areas; and

17 (3) redemption centers within miles of every  
18 dealer in rural areas.

19 (b) Additional convenience standard requirements shall  
20 include:



- 1 (1) Appropriately convenient and equitable access in
- 2 urban, suburban, and rural areas, using multiple
- 3 redemption modalities, including independent
- 4 redemption centers, express redemption sites, full-
- 5 service redemption sites, alternative redemption
- 6 options, and contracted redemption pick-up operators;
- 7 (2) Proximity of redemption opportunities to retail
- 8 establishments associated with a majority of beverage
- 9 container sales in an area;
- 10 (3) No additional vehicle miles traveled for rural access;
- 11 (4) Accessible and convenient access for individuals
- 12 relying on public transportation; and
- 13 (5) Reasonable opportunities for individuals to receive
- 14 immediate deposit refunds.

15 (c) It shall be the goal of each producer or producer  
 16 responsibility organization to meet the following redemption  
 17 rates:

- 18 (1) per cent by ; and
- 19 (2) per cent by .

20 **§342G-R Rules.** The department shall adopt rules pursuant  
 21 to chapter 91 necessary for the purposes of this part.



1           **§342G-S Violations.** (a) Failure to comply with the  
2 requirements of this part, including but not limited to failure  
3 by a producer or producer responsibility organization to  
4 implement and satisfy the requirements of its program plan,  
5 shall subject the producer, producer responsibility  
6 organization, redemption center, or other responsible party to  
7 penalties for violations as set forth in this chapter.

8           (b) The department may deem information contained in an  
9 audit provided by a producer or producer responsibility  
10 organization pursuant to section 342G-0 or records maintained by  
11 the producer or producer responsibility organizations sufficient  
12 to establish violations of the requirements of this part.

13           (c) The department may conduct investigations to determine  
14 whether a producer, producer responsibility organization,  
15 redemption center, or other responsible party is complying with  
16 the requirements of this part.

17           (d) A producer or producer responsibility organization  
18 shall report violations of this part to the department no later  
19 than seven days after obtaining knowledge of a violation. A  
20 producer or producer responsibility organization shall cooperate  
21 in any resulting enforcement action."



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

3 "(a) Except as provided in this section, and  
4 notwithstanding any other law to the contrary, from time to  
5 time, the director of finance, for the purpose of defraying the  
6 prorated estimate of central service expenses of government in  
7 relation to all special funds, except the:

- 8 (1) Special out-of-school time instructional program fund  
9 under section 302A-1310;
- 10 (2) School cafeteria special funds of the department of  
11 education;
- 12 (3) Special funds of the University of Hawaii;
- 13 (4) Convention center enterprise special fund under  
14 section 201B-8;
- 15 (5) Special funds established by section 206E-6;
- 16 (6) Aloha Tower fund created by section 206J-17;
- 17 (7) Funds of the employees' retirement system created by  
18 section 88-109;
- 19 (8) Hawaii hurricane relief fund established under chapter  
20 431P;



- 1 (9) Hawaii health systems corporation special funds and  
2 the subaccounts of its regional system boards;
- 3 (10) Universal service fund established under section 269-  
4 42;
- 5 (11) Emergency and budget reserve fund under section 328L-  
6 3;
- 7 (12) Public schools special fees and charges fund under  
8 section 302A-1130;
- 9 (13) Sport fish special fund under section 187A-9.5;
- 10 (14) Neurotrauma special fund under section 321H-4;
- 11 (15) Glass advance disposal fee established by section  
12 342G-82;
- 13 (16) Center for nursing special fund under section 304A-  
14 2163;
- 15 (17) Passenger facility charge special fund established by  
16 section 261-5.5;
- 17 (18) Solicitation of funds for charitable purposes special  
18 fund established by section 467B-15;
- 19 (19) Land conservation fund established by section 173A-5;
- 20 (20) Court interpreting services revolving fund under  
21 section 607-1.5;



- 1 (21) Trauma system special fund under section 321-22.5;
- 2 (22) Hawaii cancer research special fund;
- 3 (23) Community health centers special fund;
- 4 (24) Emergency medical services special fund;
- 5 (25) Rental motor vehicle customer facility charge special
- 6 fund established under section 261-5.6;
- 7 (26) Shared services technology special fund under section
- 8 27-43;
- 9 (27) Automated victim information and notification system
- 10 special fund established under section 353-136;
- 11 [~~(28)~~] ~~Deposit beverage container deposit special fund under~~
- 12 ~~section 342G-104;~~
- 13 ~~(29)~~] (28) Hospital sustainability program special fund
- 14 under section 346G-4;
- 15 [~~(30)~~] (29) Nursing facility sustainability program special
- 16 fund under section 346F-4;
- 17 [~~(31)~~] (30) Hawaii 3R's school improvement fund under
- 18 section 302A-1502.4;
- 19 [~~(32)~~] (31) After-school plus program revolving fund under
- 20 section 302A-1149.5;





1       ~~["§235-18] Deposit beverage container deposit exemption.~~  
2       ~~This chapter shall not apply to amounts received as a deposit~~  
3       ~~beverage container deposit collected under part VIII of chapter~~  
4       ~~342G."]~~

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

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

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

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



1 SECTION 7. Chapter 342G, part VIII, Hawaii Revised  
2 Statutes, is repealed.

3 SECTION 8. Any unexpended or unencumbered balance  
4 remaining in the deposit beverage container deposit special fund  
5 as of the effective date of this section shall be transferred on  
6 that date as follows:

7 (1) per cent to producers and producer responsibility  
8 organizations for the operation of programs pursuant  
9 to section 342G-D, Hawaii Revised Statutes; and

10 (2) per cent to the general fund.

11 SECTION 9. In codifying the new sections added by section  
12 2 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 10. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 11. This Act shall take effect on July 1, 3000;  
18 provided that sections 7 and 8 shall take effect on .



**Report Title:**

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

**Description:**

Repeals the Deposit Beverage Container Program and replaces it  
with the Recycling Refund Producer Responsibility Organization  
Program. Effective 7/1/3000. (HD1)

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

