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



1 potentially harmful food-contact chemicals. California, New  
2 York, Washington, Vermont, Connecticut, Colorado, and Minnesota  
3 have already passed laws restricting the use of PFAS in food  
4 packaging.

5 The purpose of this Act is to establish a prohibition on  
6 the distribution, sale, and use of single-use plastic food ware  
7 containing regulated PFAS by businesses beginning on January 1,  
8 2028.

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

12 "§321- Single-use plastic food ware containing  
13 perfluoroalkyl and polyfluoroalkyl substances; prohibited. (a)  
14 Beginning January 1, 2028, no business where food or beverages  
15 that are packaged and sold on the business' premises for  
16 individual consumption shall distribute, sell, or use single-use  
17 plastic food ware that contains plastic with regulated  
18 perfluoroalkyl and polyfluoroalkyl substances.

19 (b) Enforcement and administration of this section shall  
20 be under the jurisdiction of the department of health. Any



1 business violating any provision of this section or any rule  
2 adopted pursuant to this section shall:

3 (1) Be ordered to discontinue the distribution, sale, or  
4 use of items prohibited by this section; and

5 (2) If the business continues the distribution, sale, or  
6 use despite the order, be subject to a fine of no less  
7 than \$100 nor more than \$1,000 for each day of  
8 violation.

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

14 (c) Nothing in this section shall prohibit a county from  
15 enacting an ordinance that is more stringent in the prohibition  
16 of single-use plastic food ware that contains plastic with  
17 regulated perfluoroalkyl and polyfluoroalkyl substances, or  
18 supersede any such ordinance.

19 (d) For the purposes of this section:

20 "Business" means any commercial enterprise or establishment  
21 operating in the State, including an individual proprietorship,



1 joint venture, partnership, corporation, limited liability  
2 company, or other legal entity, whether for profit or not for  
3 profit, and includes all employees of the business or any  
4 independent contractors associated with the business.

5 "Food ware" means hot and cold beverage cups, cup lids,  
6 straws, utensils, stirrers, cup stoppers, splash sticks, plates,  
7 bowls, clamshell containers, trays, or other containers and  
8 their lids that are intended to hold or package food or  
9 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        "Regulated perfluoroalkyl and polyfluoroalkyl substances"  
6        or "PFAS":

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

10       (2) Includes:

11       (A) Perfluoroalkyl and polyfluoroalkyl substances  
12       that a manufacturer has intentionally added to a  
13       product and that have a functional or technical  
14       effect in the product, including the  
15       perfluoroalkyl and polyfluoroalkyl substance  
16       components of intentionally added chemicals and  
17       perfluoroalkyl and polyfluoroalkyl substances  
18       that are intentional breakdown products of an  
19       added chemical that also have a functional or  
20       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           "Single-use" means conventionally disposed of after a  
7           single use or not sufficiently durable or washable to be, or not  
8           intended to be, reusable or refillable."

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

12          SECTION 4. New statutory material is underscored.

13          SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Single-use Plastic Food Ware Containing PFAS; Prohibition; Solid Waste; PFAS

**Description:**

Prohibits the distribution, sale, or use of single-use plastic food ware containing plastic with regulated perfluoroalkyl and polyfluoroalkyl substances by businesses beginning on 1/1/2028. Effective 7/1/3000. (HD2)

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

