THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2205

JAN 21 2026

A BILL FOR AN ACT

RELATING TO PLASTIC POLLUTION.

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

SECTION 1. The legislature finds that single-use plastic beverage containers and their plastic beverage caps pose a significant danger to the ocean and sustainability of the environment. More than one billion single-use plastic beverage containers are purchased every day around the world. In Hawaiian waters, fish have been reported to consume plastic particles just days after being born due to the fifteen to twenty tons of marine trash washing ashore each year.

The legislature also finds that plastic beverage caps have become an increasing source of marine pollution. The Ocean Conservancy, a nonprofit organization with over fifty years of dedication toward conservation, has reported that plastic beverage caps are listed as one of the top five deadliest forms of marine pollution, especially to large marine species. As plastic beverage caps are too small to be properly sorted at recycling facilities, they are often sent to the landfill, where they contribute to long-term environmental contamination.

Additionally, plastic beverage caps also generate microplastics once degraded into the environment. The act of the twisting motion used to remove a cap from its plastic ring also contributes to microplastic dispersal.

International efforts, such as the European Union's Single-Use Plastics Directive (SUPD), have demonstrated preventative approaches to global plastic pollution, rather than relying on clean-up and recycling-focused mitigation measures, according to a 2024 report. Specifically, Article 6 of SUPD requires all single-use beverage containers of up to three liters in size to have attached caps and lids to reduce litter and improve convenience for consumers. In the 2024 report by The Ocean Conservancy, it was reported that the SUPD is "significantly improving bottle cap recyclability."

The legislature therefore finds that there is an opportunity to reduce harmful waste in Hawaiian waters from plastic beverage caps. Due to the European Union's adoption of SUPD, California has revived its efforts to enact legislation requiring tethered beverage caps. By enacting similar legislation, the State can further demonstrate its commitment to environmental preservation and ecological sustainability.

Accordingly, the purpose of this Act is to reduce plastic pollution in the State's environment, particularly plastic beverage caps from single-use plastic beverage containers. Specifically, this Act:

(1) Defines the terms "plastic beverage cap" and "single-use plastic beverage container";

(2) Prohibits the sale of any beverage contained in a single-use plastic beverage container where the plastic beverage cap is not tethered to the single-use plastic beverage container when the plastic beverage cap is removed; and

(3) Requires plastic beverage caps tethered or otherwise attached to the single-use plastic beverage containers to be the same plastic resin.

SECTION 2. Section 339-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

""Plastic beverage cap" means a cap that is composed wholly or primarily of plastic and that is screwed onto or otherwise affixed to a single-use plastic beverage container. "Plastic beverage cap" does not include a cap that is composed wholly or

primarily of a nonplastic material but also contains a plastic seal.

"Single-use plastic beverage container" means a bottle, can, jar, carton, or other container that:

(1) Is composed wholly or primarily of plastic;

(2) Contains one liter or less of a beverage; and

(3) Is intended to be disposed of after one use."

SECTION 3. Section 339-7, Hawaii Revised Statutes, is amended to read as follows:

"**§339-7 Beverage container requirements.** (a) No person in this State shall manufacture or import for sale in this State or offer for sale at wholesale in this State after July 1, 1979, or sell for retail in this State after October 1, 1979, any beverage in metal containers so designed and constructed that a part of the container is permanently detached in opening the container. However, nothing in this subsection shall prohibit the sale or offer for sale of a container the only detachable part of which is a piece of pressure sensitive tape.

(b) Beginning January 1, , no manufacturer shall import for sale, sell, offer for sale, or distribute for sale in the State any beverage in a single-use plastic beverage

container with a plastic beverage cap unless the plastic beverage cap is composed of a plastic resin with the same resin identification code as the single-use plastic beverage container as determined in accordance with the Standard Practice for Coding Plastic Manufactured Articles for Resin Identification of the American Society for Testing and Materials, ASTM D7611, and the plastic beverage cap:

(1) Is tethered to the single-use plastic beverage container in a manner that prevents the separation of the plastic beverage cap from the single-use plastic beverage container when the plastic beverage cap is removed from the single-use plastic beverage container by the consumer; or

(2) Includes an opening where the beverage can be consumed while the plastic beverage cap remains screwed onto or otherwise affixed to the single-use plastic beverage container.

[~~(b)~~] (c) Failure to comply with the provisions of this section shall constitute a violation and shall carry a fine of $250. Each day of such failure shall constitute a separate violation."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: _____

S.B. NO. 2205

Report Title:
Single-Use Plastic Beverage Containers; Plastic Beverage Caps; Plastic Resin Identification; Prohibition

Description:
Prohibits the sale of any beverage contained in single-use plastic beverage containers where the plastic beverage cap is not tethered to the single-use plastic beverage container when the plastic beverage cap is removed. Requires plastic beverage caps tethered or otherwise attached to the single-use plastic beverage containers to be the same plastic resin.

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