
A BILL FOR AN ACT

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

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

1 SECTION 1. Section 342G-113, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Subsection (a) shall not apply to any dealer:

4 ~~[(1) Who is located in a high density population area as~~
5 ~~defined by the director in rules, and within two miles~~
6 ~~of a certified redemption center that is operated~~
7 ~~independently of a dealer;~~

8 ~~(2) Who is located in a rural area as defined by rule;~~

9 ~~(3)]~~ (1) Who subcontracts with a certified redemption
10 center to be operated on the dealer's premises ~~[+]~~ or
11 within one thousand feet of the premises; except that
12 dealers who are located within in the same shopping
13 center may share a coordinated redemption center on
14 the premises of the shopping center that is not
15 located on either dealer's premises or within one
16 thousand feet of either dealer; provided further that



1 the redemption center is located within the premises
2 of the shopping center.

3 [~~(4)~~] (2) Whose sales of deposit beverage containers are
4 only via vending machines;

5 [~~(5)~~] (3) Whose place of business is less than [~~five~~] ten
6 thousand square feet of interior space;

7 [~~(6)~~] (4) Who can demonstrate physical or financial
8 hardship, or both, based on specific criteria
9 established by rule; or

10 [~~(7)~~] (5) Who meets other criteria established by the
11 director.

12 [~~Notwithstanding paragraphs (1) and (2), the~~] The director may
13 allow the placement of redemption centers at greater than
14 prescribed distances to accommodate geographical features while
15 ensuring adequate consumer convenience."

16 SECTION 2. Section 342G-114, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§342G-114 Redemption centers. (a) Prior to operation,
19 redemption centers shall be certified by the department.

20 (b) Applications for certification as a redemption center
21 shall be filed with the department on forms prescribed by the
22 department.



1 (c) The department, at any time, may review the
2 certification of a redemption center. After written notice to
3 the person responsible for the establishment and operation of
4 the redemption center and to the dealers served by the
5 redemption center, the department, after it has afforded the
6 redemption center operator a hearing in accordance with chapter
7 91, may withdraw the certification of the center if it finds
8 that there has not been compliance with applicable laws, rules,
9 permit conditions, or certification requirements.

10 (d) Redemption centers shall:

- 11 (1) Accept all types of empty deposit beverage containers
12 for which a deposit has been paid;
- 13 (2) Verify that all containers to be redeemed bear a valid
14 Hawaii refund value;
- 15 (3) Pay to the redeemer the full refund value in either
16 cash or a redeemable voucher for all deposit beverage
17 containers, except as provided in section 342G-116;
- 18 (4) Ensure each deposit beverage container collected is
19 recycled through a contractual agreement with an out-
20 of-state recycler or an in-state recycling facility
21 permitted by the department; provided that this
22 paragraph shall not apply if the redemption center is



1 operated by a recycler permitted by the
2 department; [and]

3 (5) Remain open at least thirty-five hours per week, of
4 which not less than five hours shall be on a Saturday
5 or Sunday; provided that the center is located in a
6 high density population area as defined by the
7 director in rules; and

8 [+5] (6) Forward the documentation necessary to support
9 claims for payment as stated in section 342G-119.

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

14 (f) The department shall develop procedures to facilitate
15 the exchange of information between deposit beverage container
16 manufacturers, distributors, and retailers and certified
17 redemption centers, including but not limited to universal
18 product code information for reverse vending machine purposes.
19 The procedures developed by the department shall allow for a
20 reasonable time period between the introduction of a new deposit
21 beverage product and the deadline for submitting universal



1 product code information to certified redemption centers
2 operating reverse vending machines.

3 (g) Consumers may request that the refund value be
4 computed by container count for loads of two hundred containers
5 or less.

6 (h) The department shall encourage the facilitation of
7 agreements between shopping center managers or owners, store
8 owners, and dealers to establish redemption centers."

9 SECTION 3. Section 342G-115, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§342G-115 Reverse vending machine requirements.**

12 [~~Reverse~~] Properly operated and maintained reverse vending
13 machines may be used by redemption centers and dealers to
14 satisfy the requirements of section 342G-113 [-]; provided that
15 the reverse vending machine is operational and accessible during
16 normal business hours of the center or store where it is
17 located. Reverse vending machines shall accept any type of
18 empty deposit beverage container and pay out the full refund
19 value in either cash or a redeemable voucher for those
20 containers that bear a valid Hawaii refund value. If the
21 reverse vending machine is unable to read the barcode then the
22 reverse vending machine shall reject the container. [~~The~~



1 ~~reverse vending machine shall be routinely serviced to ensure~~
2 ~~proper operation and continuous acceptance of empty deposit~~
3 ~~beverage containers and payment of the refund value.] "~~

4 SECTION 4. Section 342G-116, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§342G-116 Refusal of refund value payment for a deposit
7 beverage container. Redemption centers [~~shall~~] and dealers may
8 refuse to pay the refund value on any broken, corroded, or
9 dismembered deposit beverage container, or any deposit beverage
10 container that:

- 11 (1) Contains a free-flowing liquid;
- 12 (2) Does not properly indicate a refund value; or
- 13 (3) Contains a significant amount of foreign material."

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2020.



Report Title:

Deposit Beverage Container Program; Dealers

Description:

Requires redemption centers and dealers in high density areas to remain open for at least thirty-five hours per week, permits consumers to request that refund values be computed by container for up to two hundred containers or less, clarifies that redemption centers and dealers may use properly operated and maintained reverse vending machines to satisfy the requirements of the bottle recycling law, and clarifies that both dealers and redemption centers may refuse to pay a refund for nonconforming containers. Allows dealers in the same shopping center to coordinate the operation of a redemption center. Requires the department of health to encourage the facilitation of agreements between shopping center managers or owners, store owners, and dealers to establish redemption centers. (SD2)

