

JAN 22 2010

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. The legislature finds that dietary supplements
2 are excluded from the definition of "deposit beverage" under
3 section 342G-101, Hawaii Revised Statutes, and their containers
4 are excluded from the deposit beverage container program. There
5 has been a significant increase in the number of beverages that
6 are marketed as "energy" or "dietary" supplement drinks.
7 Labeling of these products with the Hawaii recyclable refund
8 label (HI-5¢) is inconsistent, and beverages are often sold in
9 containers that are recyclable plastic, aluminum, or glass. The
10 legislature further finds that the intended uses of these
11 purported "energy" and "dietary" supplements are similar to, if
12 not the same as, the intended use of many other sports drinks,
13 sodas, and juice beverages that are sold in containers subject
14 to the deposit beverage container program.

15 The purpose of this Act is to include energy and dietary
16 supplement beverage containers in the deposit beverage container
17 program.



1 SECTION 2. Section 342G-101, Hawaii Revised Statutes, is
2 amended by amending the definition of "deposit beverage" to read
3 as follows:

4 "Deposit beverage" means beer, ale, or other drink
5 produced by fermenting malt, mixed spirits, mixed wine, tea and
6 coffee drinks regardless of dairy-derived product content, soda,
7 or noncarbonated water, and all nonalcoholic drinks in liquid
8 form and intended for internal human consumption that is
9 contained in a deposit beverage container.

10 The term "deposit beverage" excludes the following:

11 (1) A liquid which is:

12 (A) A syrup;

13 (B) In a concentrated form; or

14 (C) Typically added as a minor flavoring ingredient
15 in food or drink, such as extracts, cooking
16 additives, sauces, or condiments;

17 (2) A liquid which is a drug, medical food or infant
18 formula as defined by the Federal Food, Drug, and
19 Cosmetic Act (21 U.S.C. §301 et seq.);

20 ~~(3) A liquid which is designed and consumed only as a~~
21 ~~dietary supplement and not as a beverage as defined in~~



~~the Dietary Supplement Health and Education Act of
1994 (P.L. 103-417);]~~

~~[(4)]~~ (3) Products frozen at the time of sale to the
consumer, or, in the case of institutional users such
as hospitals and nursing homes, at the time of sale to
the users;

~~[(5)]~~ (4) Products designed to be consumed in a frozen
state;

~~[(6)]~~ (5) Instant drink powders;

~~[(7)]~~ (6) Seafood, meat, or vegetable broths, or soups, but
not juices; and

~~[(8)]~~ (7) Milk and all other dairy-derived products, except
tea and coffee drinks with trace amounts of these
products."

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2010.

INTRODUCED BY:

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Report Title:

Deposit Beverage Container Program; Dietary Supplements

Description:

Removes the exemption for dietary supplements from the deposit beverage container program.

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