

JAN 21 2011

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



1           The purpose of this Act is to include energy and dietary  
2 supplement beverage, hard spirits, and wine containers in the  
3 deposit beverage container program.

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

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

14           The term "deposit beverage" excludes the following:

- 15           (1) A liquid which is:
- 16                   (A) A syrup;
  - 17                   (B) In a concentrated form; or
  - 18                   (C) Typically added as a minor flavoring ingredient  
19                           in food or drink, such as extracts, cooking  
20                           additives, sauces, or condiments;



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

4       ~~[(3) A liquid which is designed and consumed only as a~~  
5       ~~dietary supplement and not as a beverage as defined in~~  
6       ~~the Dietary Supplement Health and Education Act of~~  
7       ~~1994 (P.L. 103-417);~~

8       ~~-(4)-~~ (3) Products frozen at the time of sale to the  
9                    consumer, or, in the case of institutional users such  
10                   as hospitals and nursing homes, at the time of sale to  
11                   the users;

12       ~~[(5)-~~ (4) Products designed to be consumed in a frozen  
13                   state;

14       ~~[(6)-~~ (5) Instant drink powders;

15       ~~[(7)-~~ (6) Seafood, meat, or vegetable broths, or soups, but  
16                   not juices; and

17       ~~[(8)-~~ (7) Milk and all other dairy-derived products, except  
18                   tea and coffee drinks with trace amounts of these  
19                   products."

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

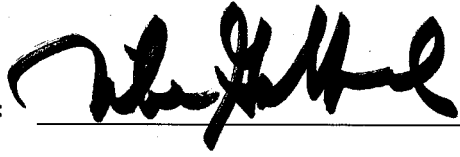
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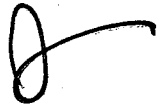


1 SECTION 4. This Act shall take effect on July 1, 2011.

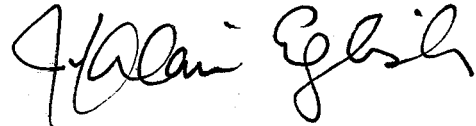
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INTRODUCED BY:















**Report Title:**

Deposit Beverage Container Program; Dietary Supplements

**Description:**

Removes the exemption for dietary supplements from the deposit beverage container program; adds hard spirits, and wine containers.

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

