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# A BILL FOR AN ACT

RELATING TO SOLID WASTE MANAGEMENT.

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

1           SECTION 1. Section 342G-81, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§342G-81~~ **Definitions.** As used in this part, unless the  
4 context requires otherwise:

5           ~~["Deposit glass beverage container" means:~~

6           ~~(1) The individual, separate, sealed, glass container used~~  
7           ~~for containing, at the time of import, sixty eight~~  
8           ~~fluid ounces or less of a beverage; or~~

9           ~~(2) The empty, individual, separate glass container that~~  
10           ~~will be filled with sixty eight fluid ounces or less~~  
11           ~~of a beverage and sealed in this State, so that these~~  
12           ~~glass beverage containers will be subject to part~~  
13           ~~VIII.]~~

14           "Glass container importer" means any person who is engaged  
15 in the manufacture of glass containers within the State or who  
16 imports glass containers from outside the State for sale or use  
17 within the State. The term includes federal agencies and



1 military distributors, but does not include airlines and  
2 shipping companies that merely transport glass containers.

3 "Glass deposit beverage container" means:

4 (1) The individual, separate, sealed, glass container used  
5 for containing, at the time of import, one hundred  
6 twenty-eight fluid ounces or less of a beverage; or

7 (2) The empty, individual, separate glass container that  
8 will be filled with one hundred twenty-eight fluid  
9 ounces or less of a beverage and sealed in this State,  
10 so that these glass beverage containers will be  
11 subject to part VIII.

12 "Glass incentive" means an incentive paid to licensed  
13 recyclers for recycling glass containers. Such incentives may  
14 be structured to include the costs of collection and processing,  
15 and a "buy back" incentive to increase participation by the  
16 public and private haulers.

17 "Glassphalt" means an asphaltic concrete mixture utilizing  
18 crushed glass, under controlled gradation conditions, as a  
19 substitute for a percentage of the aggregate in the mix.

20 "Glass recovery program" means a program for glass recovery  
21 and reuse for purposes including but not limited to:



1 (1) Glass container reuse or recycling whereby containers  
2 are refilled, processed for shipment out of the State,  
3 or crushed into aggregate substitute; and

4 (2) Use in roadway materials or concrete as provided in  
5 this part.

6 "Import" means to buy, bring, or accept delivery of glass  
7 containers from an address, supplier, or any entity outside of  
8 the State of Hawaii."

9 SECTION 2. Section 342G-82, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) Every glass container importer shall pay to the  
12 department an advance disposal fee. The fee shall be imposed  
13 only once on the same glass container and shall not be assessed  
14 on drinking glasses, cups, bowls, plates, ashtrays, and similar  
15 tempered glass containers. For the period beginning September  
16 1, 1994, the fee shall be one and one-half cents per glass  
17 container. [~~Beginning~~] From October 1, 2004, to November 30,  
18 2011, the glass advance disposal fee shall [~~only~~] apply only to  
19 glass containers that are not glass deposit beverage  
20 containers[-] used for containing sixty-eight fluid ounces or  
21 less of a beverage. Beginning December 1, 2011, the glass  
22 advance disposal fee shall apply only to glass containers that



1 are not glass deposit beverage containers used for containing  
2 one hundred twenty-eight fluid ounces or less of a beverage."

3 SECTION 3. Section 342G-101, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending the definition of "deposit beverage" to  
6 read:

7 "Deposit beverage" means beer, [~~ale,~~] as defined by  
8 section 244D-1; distilled spirits, as defined by section 244D-1;  
9 wine, as defined by section 244D-1; or other drink produced by  
10 fermenting malt, mixed spirits, mixed wine, tea and coffee  
11 drinks regardless of dairy-derived product content, soda, or  
12 noncarbonated water[~~;~~]; and all nonalcoholic drinks in liquid  
13 form and intended for internal human consumption that is  
14 contained in a deposit beverage container.

15 The term "deposit beverage" excludes the following:

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

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

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

20          2. By amending the definition of "deposit beverage  
21          container" to read:



1            ""Deposit beverage container" means the individual,  
2 separate, sealed glass, polyethylene terephthalate, high density  
3 polyethylene, or metal container less than or equal to [~~sixty-~~  
4 ~~eight~~] one hundred twenty-eight fluid ounces, used for  
5 containing, at the time of sale to the consumer, a deposit  
6 beverage intended for use or consumption in this State."

7            SECTION 4. The department of health shall phase-in all  
8 requirements affecting the redemption of one hundred twenty-  
9 eight fluid ounce deposit beverage containers, beginning  
10 December 1, 2011, as follows; provided that the phase-in shall  
11 be completed by March 1, 2012:

12           (1) From December 1, 2011, distributors of deposit  
13 beverage containers may begin marking one hundred  
14 twenty-eight fluid ounce deposit beverage containers  
15 as required under section 342G-112(a), Hawaii Revised  
16 Statutes;

17           (2) From December 1, 2011, until February 29, 2012, a  
18 deposit beverage container holding up to one hundred  
19 twenty-eight fluid ounces may be redeemed under the  
20 deposit beverage container program, without regard to  
21 whether the container bears the refund value of the  
22 container and the word "Hawaii" or the letter "HI", as





**Report Title:**

Deposit Beverage Container Program; Expansion

**Description:**

Expands the types of beverage containers accepted in the deposit beverage container program and makes conforming amendments to the glass beverage containers subject to the glass advance disposal fee. Sets forth a timetable for implementation of the expansion.

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

