



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 27, 2013

GOV. MSG. NO. 1333

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

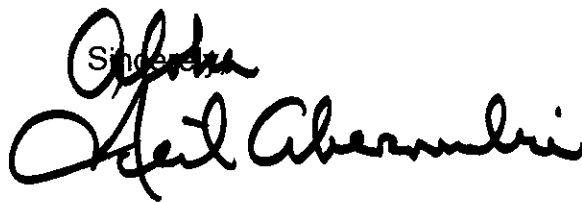
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

SB1133 SD2 HD2 CD1

RELATING TO THE DEPOSIT BEVERAGE
CONTAINER PROGRAM
ACT 230 (13)

Signed


NEIL ABERCROMBIE
Governor, State of Hawaii

JUN 27 2013

ACT 230

ON THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

S.B. NO. 1133
S.D. 2
H.D. 2
C.D. 1

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 purpose of this Act is to include energy
2 and dietary supplement beverage containers in the deposit
3 beverage container program.

4 SECTION 2. Section 342G-1, 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, mixed spirits, mixed wine, tea and
9 coffee drinks regardless of dairy-derived product content, soda,
10 or noncarbonated water, and all nonalcoholic drinks in liquid
11 form and intended for internal human consumption that is
12 contained in a deposit beverage container.

13 The term "deposit beverage" excludes the following:

14 (1) A liquid [~~which~~] that is:

15 (A) A syrup;

16 (B) In a concentrated form; or



- 1 (C) Typically added as a minor flavoring ingredient
2 in food or drink, such as extracts, cooking
3 additives, sauces, or condiments;
- 4 (2) A liquid [~~which~~] that is ingested in very small
5 quantities and which is consumed for medicinal
6 purposes only;
- 7 (3) A [~~liquid which is designed and consumed only as a~~
8 ~~nutritional~~] single serving of one ounce or less of a
9 dietary supplement as defined in the Dietary
10 Supplement Health and Education Act of 1994 (P.L.
11 103-417) [~~and not as a beverage~~];
- 12 (4) A liquid that the department finds to be the sole item
13 of a meal or diet;
- 14 [~~4~~] (5) Products frozen at the time of sale to the
15 consumer, or, in the case of institutional users such
16 as hospitals and nursing homes, at the time of sale to
17 the users;
- 18 [~~5~~] (6) Products designed to be consumed in a frozen
19 state;
- 20 [~~6~~] (7) Instant drink powders;
- 21 [~~7~~] (8) Seafood, meat, or vegetable broths, or soups, but
22 not juices; and



1 ~~[(9)]~~ (9) Milk and all other dairy-derived products, except
2 tea and coffee drinks with trace amounts of these
3 products."

4 SECTION 3. 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, mixed spirits, mixed wine, tea and
9 coffee drinks regardless of dairy-derived product content, soda,
10 or noncarbonated water, and all nonalcoholic drinks in liquid
11 form and intended for internal human consumption that is
12 contained in a deposit beverage container.

13 The term "deposit beverage" excludes the following:

14 (1) A liquid ~~[which]~~ that is:

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

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



- 1 (3) A ~~[liquid which is designed and consumed only as a]~~
2 single serving of one ounce or less of a dietary
3 supplement ~~[and not as a beverage]~~ as defined in the
4 Dietary Supplement Health and Education Act of 1994
5 (P.L. 103-417);
- 6 (4) A liquid that the department finds to be the sole item
7 of a meal or diet;
- 8 ~~[(4)]~~ (5) 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)]~~ (6) Products designed to be consumed in a frozen
13 state;
- 14 ~~[(6)]~~ (7) Instant drink powders;
- 15 ~~[(7)]~~ (8) Seafood, meat, or vegetable broths, or soups, but
16 not juices; and
- 17 ~~[(8)]~~ (9) Milk and all other dairy-derived products, except
18 tea and coffee drinks with trace amounts of these
19 products."

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

22 SECTION 5. This Act shall take effect on July 1, 2014.

S.B. NO.

1133
S.D. 2
H.D. 2
C.D. 1

APPROVED this 27 day of JUN, 2013

A handwritten signature in black ink that reads "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII