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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 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        [~~(8)~~] (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.



**Report Title:**

Deposit Beverage Container Program; Dietary Supplements

**Description:**

Exempts a container of liquid which DOH finds to be the sole item of a meal or diet from the Deposit Beverage Container Program. Limits the exemption for dietary supplement beverage containers from the Deposit Beverage Container Program to a single serving of one ounce or less of a dietary supplement. Effective July 1, 2014. (CD1)

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