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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 sizes that are  
3 greater than one ounce in the deposit beverage container  
4 program.

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

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

14           The term "deposit beverage" excludes the following:

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

16                   (A) A syrup;

17                   (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] One ounce or less of a liquid [~~which~~] that is  
8 designed and consumed only as a nutritional dietary  
9 supplement, as defined in the Dietary Supplement  
10 Health and Education Act of 1994 (P.L. 103-417), and  
11 not as a beverage;
- 12 (4) Products frozen at the time of sale to the consumer,  
13 or, in the case of institutional users such as  
14 hospitals and nursing homes, at the time of sale to  
15 the users;
- 16 (5) Products designed to be consumed in a frozen state;
- 17 (6) Instant drink powders;
- 18 (7) Seafood, meat, or vegetable broths, or soups, but not  
19 juices; and
- 20 (8) Milk and all other dairy-derived products, except tea  
21 and coffee drinks with trace amounts of these  
22 products."



1 SECTION 3. 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 [~~e~~] 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~~] that 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~~] that is a drug, medical food, or  
18 infant formula as defined by the Federal Food, Drug,  
19 and Cosmetic Act (21 U.S.C. §301 et seq.);

20 (3) [A] One ounce or less of a liquid [~~which~~] that is  
21 designed and consumed only as a dietary supplement and



- 1 not as a beverage as defined in the Dietary Supplement  
2 Health and Education Act of 1994 (P.L. 103-417);
- 3 (4) Products frozen at the time of sale to the consumer,  
4 or, in the case of institutional users such as  
5 hospitals and nursing homes, at the time of sale to  
6 the users;
- 7 (5) Products designed to be consumed in a frozen state;
- 8 (6) Instant drink powders;
- 9 (7) Seafood, meat, or vegetable broths, or soups, but not  
10 juices; and
- 11 (8) Milk and all other dairy-derived products, except tea  
12 and coffee drinks with trace amounts of these  
13 products."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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



**Report Title:**

Deposit Beverage Container Program; Dietary Supplements

**Description:**

Removes the exemption for dietary supplements in amounts greater than one ounce from the deposit beverage container program.

Effective July 1, 2014. (SB1133 HD1)

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

