

JAN 17 2013

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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The purpose of this Act is to include energy  
2 beverage containers in the deposit beverage container program.

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

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

12 The term "deposit beverage" excludes the following:

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

14 (A) A syrup;

15 (B) In a concentrated form; or

16 (C) Typically added as a minor flavoring ingredient  
17 in food or drink, such as extracts, cooking  
18 additives, sauces, or condiments;



- 1 (2) A liquid [~~which~~] that is a drug, medical food or
- 2 infant formula as defined by the Federal Food, Drug,
- 3 and Cosmetic Act (21 U.S.C. §301 et seq.);
- 4 (3) A liquid [~~which~~] that is designed and consumed only as
- 5 a dietary supplement and not as a beverage as defined
- 6 in the Dietary Supplement Health and Education Act of
- 7 1994 (P.L. 103-417); provided that this exemption
- 8 shall not apply to deposit beverages that contain
- 9 caffeine or carbonated water;
- 10 (4) Products frozen at the time of sale to the consumer,
- 11 or, in the case of institutional users such as
- 12 hospitals and nursing homes, at the time of sale to
- 13 the users;
- 14 (5) Products designed to be consumed in a frozen state;
- 15 (6) Instant drink powders;
- 16 (7) Seafood, meat, or vegetable broths, or soups, but not
- 17 juices; and
- 18 (8) Milk and all other dairy-derived products, except tea
- 19 and coffee drinks with trace amounts of these
- 20 products."

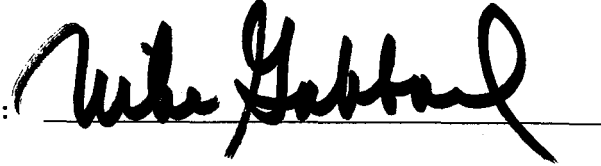
21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Mike Gabriel", written over a horizontal line.

A smaller, more fluid handwritten signature in black ink, possibly reading "Paul R.", located below the first signature.



# S.B. NO. 24

**Report Title:**

Deposit Beverage; Energy Beverage; Deposit Beverage Container Program

**Description:**

Amends the definition of "deposit beverage" to make dietary supplements that contain caffeine or carbonated water subject to the deposit beverage container program.

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

