

---

---

# 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 supplement as defined in the Dietary~~
- 9 ~~Supplement Health and Education Act of 1994 (P.L. 103-~~
- 10 ~~417) and not as a beverage;] A liquid which is deemed~~
- 11 to be the sole item of a meal or a diet;
- 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 or 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 liquid which is designed and consumed only as a~~  
21 ~~dietary supplement and not as a beverage as defined in~~



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

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 Statutory material to be repealed is bracketed  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

17           SECTION 5. This Act, upon its approval, shall take effect  
18 on July 4, 2100.



**Report Title:**

Deposit Beverage Container Program; Dietary Supplements

**Description:**

Exempts a container of liquid which is deemed to be the sole item of a meal or the diet from the Deposit Beverage Container Program. Removes the exemption for dietary supplement beverage containers from the Deposit Beverage Container Program. Effective July 4, 2100. (HB902 HD2)

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

