

JAN 27 2016

A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. The legislature finds that in 2002, in an
2 effort to increase participation in recycling, the legislature
3 passed Act 176, Session Laws of Hawaii 2002, to establish the
4 deposit beverage container program, which incentivizes consumers
5 to recycle containers by providing a 5-cent redemption for each
6 beverage container recycled. Although seventy per cent of
7 beverage containers sold are recycled under this program,
8 restrictions on beverage type prevent millions of containers
9 from being recycled every year.

10 The legislature further finds that wine and spirit bottles
11 are exempt from the deposit beverage container program. These
12 limits on beverage type lead to many recyclable products being
13 deposited in landfills rather than recycling plants.

14 The purpose of this Act is to:

15 (1) Allow wine and spirits to be redeemable under the
16 deposit beverage container program; and



1 (2) Establish an advisory committee on glass recycling to
2 assist in finding solutions to integrate the deposit
3 beverage container program and advanced disposal fee
4 program glass streams.

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
10 and coffee drinks regardless of dairy-derived product content,
11 soda, or noncarbonated water, and all nonalcoholic drinks in
12 liquid 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 that is:
- 16 (A) A syrup;
 - 17 (B) In a concentrated form; or
 - 18 (C) Typically added as a minor flavoring ingredient
 - 19 in food or drink, such as extracts, cooking
 - 20 additives, sauces, or condiments;



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- 1 (2) A liquid that is ingested in very small quantities and
- 2 which is consumed for medicinal purposes only;
- 3 (3) A single serving of one ounce or less of a dietary
- 4 supplement as defined in the Dietary-Supplement Health
- 5 and Education Act of 1994 (P.L. 103-417);
- 6 (4) A liquid that the department finds to be the sole item
- 7 of a meal or diet;
- 8 (5) Products frozen at the time of sale to the consumer,
- 9 or, in the case of institutional users such as
- 10 hospitals and nursing homes, at the time of sale to
- 11 the users;
- 12 (6) Products designed to be consumed in a frozen state;
- 13 (7) Instant drink powders;
- 14 (8) Seafood, meat, or vegetable broths, or soups, but not
- 15 juices; and
- 16 (9) Milk and all other dairy-derived products, except tea
- 17 and coffee drinks with trace amounts of these
- 18 products."

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



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

7 The term "deposit beverage" excludes the following:

8 (1) A liquid that is:

9 (A) A syrup;

10 (B) In a concentrated form; or

11 (C) Typically added as a minor flavoring ingredient
12 in food or drink, such as extracts, cooking
13 additives, sauces, or condiments;

14 (2) A liquid that is a drug, medical food, or infant
15 formula as defined by the Federal Food, Drug, and
16 Cosmetic Act (21 U.S.C. §301 et seq.);

17 (3) A single serving of one ounce or less of a dietary
18 supplement as defined in the Dietary Supplement Health
19 and Education Act of 1994 (P.L. 103-417);

20 (4) A liquid that the department finds to be the sole item
21 of a meal or diet;



1 (5) Products frozen at the time of sale to the consumer,
2 or, in the case of institutional users such as
3 hospitals and nursing homes, at the time of sale to
4 the users;

5 (6) Products designed to be consumed in a frozen state;

6 (7) Instant drink powders;

7 (8) Seafood, meat, or vegetable broths, or soups, but not
8 juices; and

9 (9) Milk and all other dairy-derived products, except tea
10 and coffee drinks with trace amounts of these
11 products."

12 SECTION 4. The director of health shall establish an
13 advisory committee on glass recycling, the members of which
14 shall serve as consultants to the department of health to
15 determine solutions for integrating the advanced disposal fee
16 program and deposit beverage container program glass streams.
17 The members shall include but not be limited to one
18 representative each from the department of health, the city and
19 county of Honolulu, the county of Maui, the county of Kauai, the
20 county of Hawaii, the recycling industry, an environmental



1 organization, and a citizen group, to be appointed by the
2 director of health.

3 The advisory committee shall advise and assist the
4 department of health in developing or revising laws and rules to
5 carry out and effectuate integration of the advanced disposal
6 fee program and deposit beverage container program glass streams
7 and in advising the department on glass recycling problems. All
8 members of the advisory committee shall serve voluntarily and
9 without compensation but shall be paid reasonable allowances for
10 travel and expenses that may be incurred as a result of
11 performance of their duties on the committee. The costs shall
12 be paid by the department of health.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken.

15 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten signatures: Mike Gabbal, Thomas Quinn Callahan, Rose E. Baker, and others]



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Report Title:

Glass Recycling; Deposit Beverage Container Program; Advanced Disposal Fee Program; Advisory Committee

Description:

Repeals limitation that deposit beverages be mixed wine or mixed spirits, thereby defining deposit beverages to include wine and spirits. Requires the department of health to establish an advisory committee on glass recycling to advise on how to best integrate the advanced disposal fee program and deposit beverage container program glass streams.

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

