
A BILL FOR AN ACT

RELATING TO DISPOSABLE FOOD CONTAINERS.

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

1 SECTION 1. The legislature finds that due to its
2 lightweight nature and ability to break down into smaller
3 fragments that persist for decades, polystyrene has significant
4 negative impacts on the environment, contributes to the
5 potential death of marine animals and avian populations through
6 ingestion, and is a suspected human carcinogen.

7 The purpose of this Act is to prohibit the use of
8 polystyrene food containers in state-owned and state-run
9 buildings and facilities and require that food be packed in
10 compostable containers.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

"CHAPTER

FOOD SERVICE CONTAINERS

16 § -1 **Definitions.** As used in this chapter:



1 "Compostable" means materials that are able to undergo
2 biological decomposition or become part of a usable compost in a
3 safe and timely manner, either in an appropriate composting
4 program or facility or in a home compost pile or device. To
5 qualify as compostable, the materials must meet ASTM Standard
6 D6400 for compostable plastics, as amended.

7 "Department" means the department of health.

8 "Disposable food service container" means a disposable
9 product used by a restaurant or food establishment as packaging
10 to serve or transport prepared, ready-to-consume food or
11 beverages, including but not limited to plates, cups, bowls,
12 trays, and hinged or lidded containers. "Disposable food
13 service container" does not include single-use disposable straws
14 or utensils.

15 "Polystyrene" means a thermoplastic petrochemical material
16 utilizing a styrene monomer, including all polystyrene, meaning
17 any styrene or vinyl chloride polymer that is blown into a foam-
18 like material. Polystyrene includes materials created from
19 techniques including the fusion of polymer spheres (expandable
20 bead polystyrene), injection molding, foam molding, and
21 extrusion-blow molding (extruded foam polystyrene).



1 "Polystyrene foam container" means a container that is made
2 using polystyrene material.

3 "Prepared food" means food or beverages that are prepared
4 to be consumed on or off the premises of a restaurant or food
5 establishment.

6 "Undue hardship" includes but is not limited to situations
7 in which:

8 (1) There are no acceptable alternatives to packaging with
9 polystyrene foam containers for reasons that are
10 unique to the applicant; or

11 (2) Compliance with the prohibition would deprive a person
12 of a legally protected right.

13 **§ -2 Prohibition on the use of polystyrene foam**

14 **containers; exemptions.** (a) Beginning on January 1, 2018, no
15 restaurant or food establishment operating within any state-
16 owned or state-run building or facility shall serve prepared
17 food using polystyrene foam containers.

18 (b) Beginning on January 1, 2018, any restaurant or food
19 establishment operating within any state-owned or state-run
20 building or facility shall use disposable food service
21 containers made of compostable material.



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1 (c) The department may grant an exemption from the
 2 requirements of this section upon application and a showing by
 3 the applicant that compliance would cause undue hardship.

4 § -3 Rules. The department shall adopt rules pursuant
 5 to chapter 91 necessary to implement this chapter, including
 6 rules relating to enforcement and exemptions."

7 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Food Service Containers

Description:

Prohibits the use of polystyrene food containers in state-owned and state-run buildings and facilities beginning 1/1/18. Requires that food be packed in compostable containers. Authorizes DOH to allow exemptions.

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