STAND. COM. REP. NO. 787 -18

, 2018

Honolulu, Hawaii

RE:

MAR 23

S.B. No. 2498

S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Health & Human Services, to which was referred S.B. No. 2498, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO POLYSTYRENE FOAM CONTAINERS," beg leave to report as follows:

The purpose of this measure is to protect the State's economy and environment by prohibiting the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers statewide.

The County of Maui Mayor's Office, Council Member representing District 4 of the County of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Beach Environmental Awareness Campaign Hawaii, Surfrider Foundation, Surfrider Foundation's Oahu Chapter, Friends of Hanauma Bay, Environmental Caucus of the Democratic Party of Hawaii, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, 808 Cleanups, Buzz's Original Steak House, Kailua Beach Adventures, Animal Rights Hawaii, Hawaii Beach Time, HI FOCUSED, FREE ACCESS COALITION, OrthoSport Hawaii, Choice Health Bar, Vegan Hills, The Nook Neighborhood Bistro, Keiko Conservation International, Banán, Nekton Surfwear, Olsen Pacific Consulting, Ocean Friendly Restaurants, Hawaii Reef and Ocean Coalition, Kokua

Hawai'i Foundation, Merriman's Restaurant Group, Napili Canoe Club, East Oahu Lifeguard Association, Pi'ilani Farm, The Carbondale Beat, Urban Pacific Communications LLC., School for Examining Essential Questions of Sustainability, Sierra Club of Hawai'i, Hawai'i Wildlife Fund, Juicy Brew, Upcycle Hawaii, Kalalea Anahola Farm Hui, Frida's Mexican Beach House, Kona Brewing Company, Dolphin Quest, Wild Kids Hawaii, Turtle Island Restoration Network, SHARKastics Project, Maui Water Lily Farm, Ban Toxic Sunscreens, and numerous individuals supported this measure. The Hawaii Food Industry Association, Retail Merchants of Hawaii, Plastics Industry Association, Sanikleen Corporation USA, American Chemistry Council, KYD, Inc. dba K. Yamada Distributors, The Chamber of Commerce Hawaii, and several individuals opposed this measure. The Department of Health and Hawaii Restaurant Association provided comments.

Your Committees note that this measure will help to save funding from being dedicated to cleaning up polystyrene foam containers and will contribute to decreasing the impact on state taxpayers for spending tax revenues on cleaning litter, especially those in counties who have implemented prohibitions on the use of polystyrene products.

Your Committees have amended this measure by:

- (1) Authorizing, rather than requiring, the Department of Health to adopt rules to implement the prohibition of the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers;
- (2) Adding a severability clause; and
- (3) Clarifying that the intent of this measure is not to regulate inter-city or interstate commerce and not to be interpreted or applied as to conflict with any federal law.

Should the Committee on Finance deliberate on this measure further, your Committees respectfully request that the Department of the Attorney General provide comments on the applicability of Commerce Clause of the United States Constitution on this measure and how it can affect interstate commerce.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Health & Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2498, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2498, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Energy & Environmental Protection and Health & Human Services,

JOHN M. MIZUNO, Chair

CHRIS LEE, Chair

HSCR 1382-18

## State of Hawaii House of Representatives The Twenty-ninth Legislature

## Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	Committee Referral: EEP/HHS, FIN	Date:	02/10	12018		
SB 2498, SD2 EEP/HHS, FIN 03/16/2018  The committee is reconsidering its previous decision on the measure.						
The recommendation is to:  Pass,		s, with amendments (nmit for future public				
EEP Members	Ayes	Ayes (WR)	Nays	Excused		
1. LEE, Chris (C)	V					
2. LOWEN, Nicole E. (VC)			nero velo anteres			
3. CULLEN, Ty J.K.						
3. CULLEN, Ty J.K.						
4. KONG, Sam Satoru						
5. McKELVEY, Angus L.K.				<u> </u>		
6. TODD, Chris						
7. YAMANE, Ryan I.						
8. MCDERMOTT, Bob			ankira ingga palawa Japana A	~		
TOTAL (8)	4	0		3		
The recommendation is:  Adopted  If joint referral,  committee acronym(s)  Not Adopted  did not support recommendation.						
Vice Chair's or designee's signature:	On too	LV				
Distribution: Original (White) – Commi	ttee Duplicate (Yellow) –	Chief Clerk's Office	Duplicate (	Pink) – HMSO		

HSCR 1382-18

## State of Hawaii House of Representatives The Twenty-ninth Legislature

## Record of Votes of the Committee on Health & Human Services

Bill/Resolution No.:  5B2498, SD2	Committee Referral: EEP/HHS, FIN	Date:	3-16-	18			
☐ The committee is reconsidering its previous decision on the measure.							
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)							
HHS Members	Ayes	Ayes (WR)	Nays	Excused			
1. MIZUNO, John M. (C)		St. (804) 5440 - 2019 (804) 4- 11-					
A MODANA CHA D							
2. KOBAYASHI, Bertrand (VC)							
3. BELATTI, Della Au							
4. LEARMONT, Lei R.				Chambara Brandfills and San			
5. TUPOLA, Andria P.L.							
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			<del></del>				
TOTAL (5)	4			1			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)							
Vice Chair's or designee's signature:							
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