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# A BILL FOR AN ACT

RELATING TO SINGLE-USE PLASTIC STRAWS.

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

1           SECTION 1. Chapter 339, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§339-    Single-use plastic straws; prohibited acts. (a)  
5 A full-service restaurant shall not provide a single-use plastic  
6 straw to a consumer unless requested by the consumer.  
7           (b) Any full-service restaurant who violates this section  
8 shall be issued a notice of violation by the director for the  
9 first and second violations. For any subsequent violations, a  
10 full-service restaurant shall be subject to a fine imposed by  
11 the director of \$25 per day of violation, not to exceed \$300  
12 during any calendar year. Any action taken to impose or collect  
13 the fines provided for in this section shall be considered a  
14 civil action.  
15           (c) This section shall take precedence over and preempt  
16 all contrary ordinances or rules adopted by a county or any  
17 department or agency thereof regulating single-use plastic



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1 straws. Except as expressly authorized by state law, no county  
2 shall enact an ordinance, rule, or regulation regulating single-  
3 use plastic straws.

4 (d) For purposes of this section:

5 "Consumer" means a person who is a member of the public,  
6 takes possession of food or beverages, is not functioning in the  
7 capacity of an operator of a food facility, and does not offer  
8 the food or beverage for resale.

9 "Full-service restaurant" means an establishment with the  
10 primary business purpose of serving food, where food may be  
11 consumed on the premises, and where all of the following actions  
12 are taken by an employee of the establishment:

13 (1) The consumer is escorted or assigned to an assigned  
14 eating area. The employee may choose the assigned  
15 eating area or may seat the consumer according to the  
16 consumer's need for accommodation or other request;

17 (2) The consumer's food and beverage orders are taken  
18 after the consumer has been seated at the assigned  
19 seating area;

20 (3) The food and beverage orders are delivered directly to  
21 the consumer;



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1        (4) Any requested items associated with the consumer's  
 2        food or beverage order are brought to the consumer;  
 3        and

4        (5) The check is delivered directly to the consumer at the  
 5        assigned eating area.

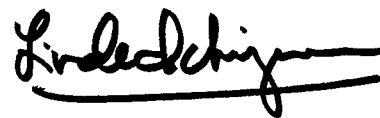
6        "Single-use plastic straw" means a single-use, disposable  
 7        tube made predominantly of plastic derived from either petroleum  
 8        or a biologically based polymer, such as corn or other plant  
 9        sources, used to transfer liquid from a container to the mouth  
 10       of the person drinking a beverage. "Single-use plastic straw"  
 11       does not include a straw made from non-plastic materials,  
 12       including but not limited to paper, pasta, wood, or bamboo."

13       SECTION 2. New statutory material is underscored.

14       SECTION 3. This Act shall take effect on January 1, 2020.

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INTRODUCED BY: \_\_\_\_\_

JAN 22 2019



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**Report Title:**

Single-use Plastic Straws; Prohibited Acts; Full-service Restaurants

**Description:**

Prohibits a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer. Takes effect 1/1/2020.

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

