

STAND. COM. REP. NO.

1296

Honolulu, Hawaii

MAR 20 2019

RE: H.B. No. 762  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health, to which was referred H.B. No. 762, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SINGLE-USE PLASTIC STRAWS,"

beg leave to report as follows:

The purpose and intent of this measure is to prohibit a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council; Animal Rights Hawai'i; Hawaii Food Industry Association; Retail Merchants of Hawaii; Hawaii Restaurant Association; ABC Stores; KYD, Inc. dba: K. Yamada Distributors; Dolphin Quest; 350Hawaii.org; Surfrider Foundation; Sierra Club of Hawai'i; and thirty-nine individuals. Your Committees received testimony in opposition to this measure from eight individuals. Your Committees received comments on this measure from the Department of Health and Office of Hawaiian Affairs.

Your Committees find that single-use plastics, such as plastic straws, have a well-established impact on native species of cultural significance, including endangered and subsistence resource species. In Hawaiian waters, the ingestion of discarded



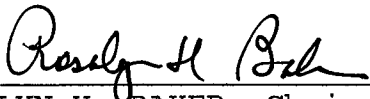
plastic debris by native seabirds and endangered honu is a well-documented phenomenon that may have highly injurious or even fatal consequences. Your Committees further find that this measure would reduce the use of single-use plastic straws in full-service restaurants, and thereby reduce the amount of plastic waste generated by restaurants and help protect Hawaiian waters.

Your Committees have amended this measure by:

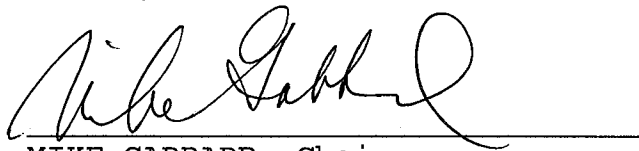
- (1) Stating that any action taken to impose or collect fines pursuant to this measure is an administrative action pursuant to the Hawaii Administrative Procedure Act, rather than a civil action, to clarify that the fines procedure does not involve the judicial courts system; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 762, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 762, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Environment and Commerce,  
Consumer Protection, and  
Health,



ROSALYN H. BAKER, Chair

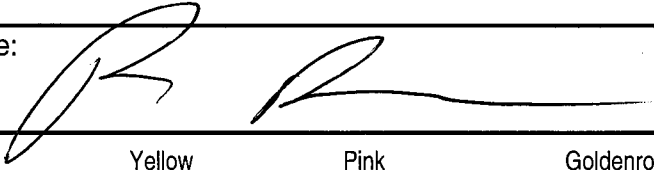


MIKE GABBARD, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 762, HD 2	AEN/CPH, JDC	03.18.2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)	X			
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:* <i>HB 21</i> <i>HD 762, HD 2</i>	Committee Referral: <i>AEN/CPH, JDC</i>	Date: <i>3/18/19</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	<i>5</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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