

---

---

# A BILL FOR AN ACT

RELATING TO POLYSTYRENE FOAM CONTAINERS.

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

1           SECTION 1. The legislature finds that products made using  
2 polystyrene foam are one of the most common kinds of litter  
3 pollution in Hawaii. Polystyrene foam is ultra light, which  
4 prevents collection systems from capturing it and allows it to  
5 easily accumulate on land and in waterways. The fragments of  
6 polystyrene foam that are left leach styrene, a known  
7 carcinogen, and other toxins that then poison the environment  
8 and the local food chain. The sight of polystyrene products  
9 littering Hawaii's landscapes serves as a detriment to the  
10 State's number one industry, tourism. Polystyrene foam also  
11 contributes to the potential death of marine animals and avian  
12 populations through ingestion.

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



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

4 "CHAPTER "

5 POLYSTYRENE FOAM CONTAINERS

6 § -1 Definitions. As used in this chapter:

7 "Polystyrene" means a thermoplastic petrochemical material  
8 utilizing a styrene monomer, including all polystyrene, meaning  
9 any styrene or vinyl chloride polymer that is blown into a foam-  
10 like material. Polystyrene includes materials created from  
11 techniques including the fusion of polymer spheres (expandable  
12 bead polystyrene), injection molding, foam molding, and  
13 extrusion-blow molding (extruded foam polystyrene).

14 "Polystyrene foam container" means a container that is made  
15 using polystyrene.

16 "Prepared food" means food or beverages that are prepared  
17 to be consumed on or off the premises of a restaurant or food  
18 establishment.

19 "Restaurant" means an eating establishment, including but  
20 not limited to coffee shops, cafeterias, sandwich stands, food  
21 trucks, and private and public school cafeterias, that gives or



1 offers for sale food or beverages to the public, guests, or  
2 employees, as well as kitchens and catering facilities in which  
3 food or beverage is prepared on the premises for serving  
4 elsewhere. The term "restaurant" includes a bar area within the  
5 restaurant and outdoor areas of restaurants.

6 "Vendor" means any person, firm, or corporation engaged in  
7 selling or offering for sale any prepared food containers.

8 § -2 Prohibition on the sale and use of polystyrene foam  
9 containers. (a) No vendor operating within the State shall  
10 sell any polystyrene foam containers.

11 (b) No restaurant operating within the State shall serve  
12 prepared food using polystyrene foam containers.

13 § -3 Rules. The department of health may adopt rules  
14 pursuant to chapter 91 necessary to implement this chapter,  
15 including rules relating to enforcement and exemptions. The  
16 rules may also include a requirement for food vendors to educate  
17 their customers regarding proper disposal of nonreusable food  
18 containers and litter reduction."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.





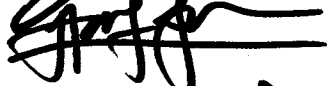
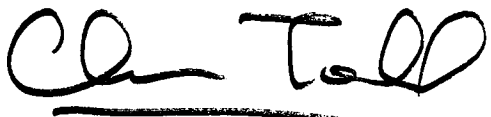



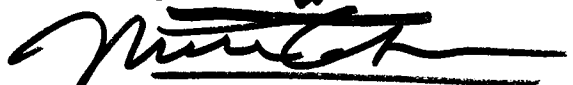


1 SECTION 4. If any provision of this Act, or the  
 2 application thereof to any person or circumstance, is held  
 3 invalid, the invalidity does not affect other provisions or  
 4 applications of the Act that can be given effect without the  
 5 invalid provision or application, and to this end the provisions  
 6 of this Act are severable.

7 SECTION 5. This Act is intended to be a proper exercise of  
 8 the State's police power and role as a market participant, to  
 9 operate only upon its own officers, agents, employees, and  
 10 facilities, and other persons acting within the State's  
 11 boundaries, and not to regulate intercity or interstate  
 12 commerce. Nothing in this Act shall be interpreted or applied  
 13 so as to create any requirement, power, or duty in conflict with  
 14 any federal law.

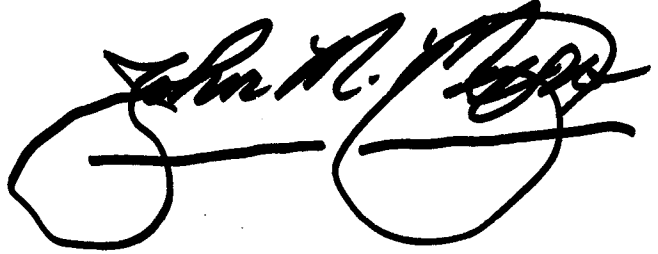
15 SECTION 6. This Act shall take effect on July 1, 2020.  
 16

INTRODUCED BY:



H.B. NO. 793

A handwritten signature in black ink, appearing to read "John W. Papp". The signature is stylized with large, sweeping loops and a horizontal line across the middle.

JAN 22 2019



**Report Title:**

Polystyrene Foam Products; Prohibition; Disposal of Nonreusable Prepared Food Containers; Litter Reduction

**Description:**

Prohibits the sale of polystyrene foam containers and serving of prepared foods using polystyrene foam containers statewide. Authorizes the Department of Health to adopt rules to implement the prohibition and include within its administrative rules a requirement for food vendors to educate their customers about proper disposal of nonreusable food containers and litter reduction.

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

