

JAN 17 2019

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 legislature also finds that, in order to absolutely
14 reduce the use of nonreusable food containers and all forms of
15 litter in the environment, additional focus should be placed on
16 implementing a broad education campaign to inform consumers of
17 certain harmful product materials and to encourage proper



1 disposal of litter and strongly encourage consumers to change
2 their habits. Through education measures, positive
3 environmental changes and broad reductions of litter can occur
4 for all material types. Behavior modification campaigns have
5 been among the most successful long-term litter solutions tested
6 to date, with significant reductions proven by scientific
7 studies in North Carolina, Texas, and other states.

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

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

15 "CHAPTER

16 POLYSTYRENE FOAM CONTAINERS

17 § -1 Definitions. As used in this chapter:

18 "Polystyrene" means a thermoplastic petrochemical material
19 utilizing a styrene monomer, including all polystyrene, meaning
20 any styrene or vinyl chloride polymer that is blown into a foam-
21 like material. Polystyrene includes materials created from



1 techniques including the fusion of polymer spheres (expandable
2 bead polystyrene), injection molding, foam molding, and
3 extrusion-blow molding (extruded foam polystyrene).

4 "Polystyrene foam container" means a container that is made
5 using polystyrene.

6 "Prepared food" means food or beverages that are prepared
7 to be consumed on or off the premises of a restaurant or food
8 establishment.

9 "Restaurant" means an eating establishment, including but
10 not limited to coffee shops, cafeterias, sandwich stands, food
11 trucks, and private and public school cafeterias, that gives or
12 offers for sale food or beverages to the public, guests, or
13 employees, as well as kitchens and catering facilities in which
14 food or beverage is prepared on the premises for serving
15 elsewhere. The term "restaurant" includes a bar area within the
16 restaurant and outdoor areas of restaurants.

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

19 **§ -2 Prohibition on the sale and use of polystyrene foam**
20 **containers.** (a) No vendor operating within the State shall
21 sell any polystyrene foam containers.



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

3 § -3 Rules. The department of health may adopt rules
4 pursuant to chapter 91 necessary to implement this chapter,
5 including rules relating to enforcement and exemptions. The
6 rules may also include a requirement for food vendors to educate
7 their customers regarding proper disposal of nonreusable food
8 containers and litter reduction."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 5. This Act is intended to be a proper exercise of
19 the State's police power and role as a market participant, to
20 operate only upon its own officers, agents, employees, and
21 facilities, and other persons acting within the State's



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1 boundaries, and not to regulate inter-city or interstate
2 commerce. Nothing in this Act shall be interpreted or applied
3 so as to create any requirement, power, or duty in conflict with
4 any federal law.

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

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INTRODUCED BY:



Ronny H. Baker

Mike Hubbard



S.B. NO. //

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. Takes effect on July 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.

