

JAN 18 2019

A BILL FOR AN ACT

RELATING TO BOTTLED WATER.

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

- 1 SECTION 1. The legislature finds that single-use plastic
2 water bottles are a serious environmental issue. Bottled water:
- 3 (1) Requires over 17,000,000 barrels of oil annually to
4 make enough water bottles for the United States alone;
 - 5 (2) Requires 1.85 gallons of water to produce a 16 ounce
6 single-use plastic water bottle;
 - 7 (3) Uses more energy to extract the resources for,
8 manufacture, and transport bottled water than the
9 amount of energy generated from burning plastic water
10 bottles for H-power and costs more than shipping the
11 same volume of oil for energy production;
 - 12 (4) Is more expensive than tap water for the average
13 consumer, and it is estimated that one-third of all
14 bottled water sold in the United States is repackaged
15 tap water;
 - 16 (5) May contain chemicals such as antimony and phthalates,
17 which can leach into the surrounding liquid, and the



1 consumption of the contaminated liquid results in the
2 absorption of the chemicals into the body, leading to
3 health problems;

4 (6) Can be replaced by readily available, high quality
5 reusable water bottles and a variety of water
6 filtration systems, which cost less when factoring in
7 shipping, production, and environmental impact costs;
8 and

9 (7) Takes centuries to decompose in landfills.

10 Despite this, the United States consumes around 1,500 plastic
11 water bottles every second. Out of the nearly 50,000,000,000
12 plastic water bottles that are used every year, eighty per cent
13 of the bottles end up in a landfill, despite the fact that
14 recycling programs exist. Cities in the United States and
15 around the world, including San Francisco, California,
16 Brookline, Massachusetts, and Vancouver, Canada, have banned or
17 at least implemented regulations against single-use plastic
18 water bottles.

19 The purpose of this Act is to reduce the use of bottled
20 water in the State.



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 SINGLE-USE PLASTIC WATER BOTTLES

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

7 "Bottled water" means drinking water in a sealed single-use
8 plastic water bottle having a capacity of twenty-one fluid
9 ounces or less.

10 "Event" means any gathering held within the State of Hawaii
11 that is subject to a permit, where more than one hundred people
12 attend or participate.

13 "Mineral water" means drinking water containing more than
14 500 milligrams per liter of total dissolved solids or one or
15 more chemical constituents in excess of the concentrations
16 listed in the Federal Bottled Water Quality Standards (21 C.F.R.
17 165.110).

18 "Single-use plastic water bottle" means any formed or
19 molded container composed predominantly of plastic resin having
20 a relatively inflexible fixed shape or form, having a neck that
21 is smaller than the container body, and intended primarily as a



1 single service container for drinking water. "Single-use
2 plastic water bottle" includes a compostable plastic bottle
3 meeting these criteria.

4 "State department" means a Hawaii state agency, officer, or
5 department.

6 "State funds" means all monies or other assets received and
7 managed by, or which are otherwise under the control of the
8 director of finance, and any notes, bonds, securities,
9 certificates of indebtedness or other fiscal obligations issued
10 by the State of Hawaii.

11 "State owned lands" means lands, including any buildings
12 thereon, owned or leased by the State of Hawaii, including but
13 not limited to Diamond Head state monument, Akaka falls state
14 park, Iolani Palace state monument, Kealakekua bay state
15 historic park, and Wailua valley state wayside.

16 "Water" means natural spring or well water, water taken
17 from municipal or private utility systems or other sources,
18 distilled, deionized, filtered, or other purified water, or any
19 of the foregoing to which chemicals may be added. "Water" does
20 not include mineral water, carbonated or sparkling water, soda,
21 seltzer or tonic water, flavored water, beverages marketed as



1 fitness water, vitamin water, enhanced water, energy water, or
2 other similar products, nor food ingredients that are listed in
3 ingredient labeling as water, carbonated water, disinfected
4 water, or filtered water.

5 § -2 Sale or distribution of bottled water restricted.

6 (a) Beginning October 1, 2019, no person shall sell, offer for
7 sale, or otherwise distribute bottled water on state owned
8 lands.

9 (b) By December 31, 2020, departments that issue permits
10 for events on their properties and in their facilities shall
11 determine which properties that are frequently used for events
12 have a reliable on-site supply of drinking water that could be
13 used by event sponsors.

14 (c) Beginning December 31, 2021, no person shall sell,
15 offer for sale, or otherwise distribute bottled water in the
16 State.

17 § -3 New leases, permits, and agreements; mobile food

18 facilities. (a) Beginning October 1, 2019, all new leases,
19 permits, management agreements, or other agreements awarded by
20 the State allowing any person to use state property for purposes
21 that permit the sale or distribution of beverages, including



1 concessions granted pursuant to chapter 102, shall specifically
2 require that the person comply with this chapter. This
3 requirement shall also apply to any such lease, permit,
4 agreement, or concession renewed, extended, or materially
5 amended after October 1, 2019.

6 (b) Beginning October 1, 2019, no state department shall
7 issue a bid proposal or solicitation, request for bid or
8 proposal, or contract for vendors or concessions to be operated
9 on state owned lands that would require or permit the sale or
10 distribution of bottled water on such property.

11 (c) Beginning October 1, 2020, all mobile food facility
12 permits issued or renewed by the State shall specifically
13 provide that the permittee shall not sell, offer for sale,
14 distribute, or allow the distribution of bottled water as part
15 of the operation of the facility.

16 § -4 Use of state funds for purchase of bottled water
17 prohibited; policy. (a) No state department shall use state
18 funds to purchase bottled water for its own general use. A
19 state department may use state funds to purchase bottled water
20 for uses specifically exempted from or allowed under this
21 chapter.



1 (b) It shall be state policy to not permit drinking water
2 systems on state owned lands that use plastic water bottles of
3 any size where satisfactory alternatives exist and are feasible
4 at the location under consideration. It shall further be state
5 policy to conform drinking water systems on state owned lands to
6 this goal where reasonable by December 31, 2020.

7 § -5 **Waivers and exclusions.** (a) A state department
8 responsible for permitting an event on or issuing a lease for
9 state owned lands may waive the requirements of sections -2,
10 -3, and -4 in full or in part if the event sponsor or
11 lessee demonstrates to the satisfaction of the department that
12 strict application of the requirement would not be feasible,
13 would create an undue hardship or practical difficulty, or that
14 circumstances otherwise warrant granting of the waiver. The
15 department's decision to grant a waiver shall be in writing and
16 shall be final.

17 (b) Sections -2, -3, and -4 shall not apply where
18 the department finds that the inclusion or application of such
19 provisions would violate or be inconsistent with the terms or
20 conditions of a grant, subvention, or contract with an agency of
21 the State or the United States, or the instructions of an



1 authorized representative of any agency with respect to any
2 grant, subvention, or contract.

3 (c) Sections -2, -3, and -4 shall not apply where
4 the department finds that relying on bottled water is necessary
5 in a given situation to protect the public health, safety, and
6 welfare, and no reasonable alternative to bottled water will
7 serve the same purpose.

8 (d) State departments shall annually report all waivers
9 granted under this section, and the reason for each waiver, and
10 all determinations of non-applicability to the chairperson of
11 the board of land and natural resources.

12 § -6 Applicability; implementation. (a) This chapter
13 shall not apply to an event where the sponsor applied for or
14 received the permit prior to October 1, 2019. Nothing in this
15 chapter shall be construed to impair a contract, lease,
16 management agreement, or other legally-binding agreement to
17 which the State is a party in existence as of the effective date
18 of this chapter.

19 (b) The department of land and natural resources and state
20 procurement office shall take appropriate steps to educate and
21 inform state departments about the requirements of this chapter.



1 § -7 **Enforcement and penalties.** Any person who violates
2 this chapter may be punished by administrative fines imposed by
3 the chairperson of the board of land and natural resources in
4 the amount of:

- 5 (1) Up to \$500 for the first violation;
- 6 (2) Up to \$750 for a second violation within a twelve-
7 month period; and
- 8 (3) Up to \$1,000 for a third and each subsequent violation
9 within a twelve-month period.

10 § -8 **State policy on public water.** It shall be state
11 policy to:

- 12 (1) Increase the availability of clean, free drinking
13 water in public areas. State departments shall take
14 all reasonable and appropriate steps to promote and
15 facilitate achievement of the goals and policies of
16 this chapter, including helping event sponsors and
17 other state departments to meet the requirements of
18 this chapter;
- 19 (2) Ensure that any state department undertaking a capital
20 improvement in a park, plaza, playground, or other
21 public space shall install bottle-filling stations,



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1 drinking fountains, and or potable water hook-ups for
2 public use, if the department finds that the
3 installation is proximate and feasible with the scale
4 and scope of the capital improvement; and




5 (3) Encourage the inclusion of bottle-filling stations or
6 drinking fountains in all public accommodations."

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

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

16 SECTION 5. This Act shall take effect upon its approval.
17

INTRODUCED BY:



S.B. NO. 352

Report Title:

Bottled Water; Single-Use Plastic Water Bottles; Prohibition

Description:

Prohibits the sale or distribution of bottled water on state owned lands beginning 10/1/2019. Prohibits the sale or distribution of bottled water by permitted food trucks beginning 10/1/2020. Prohibits the sale or distribution of bottled water in the State beginning 12/31/2021. Prohibits the use of state funds to purchase bottled water. Provides for waivers and exclusions. Imposes civil penalties for violation. Establishes state policy on public water and bottled water.

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

