

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. 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 **PLASTIC STRAWS, PLASTIC BAGS, POLYSTYRENE FOAM CONTAINERS, AND**

6 **EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS**

7 **§ -1 Definitions.** As used in this chapter:

8 "Carryout bag" means a bag provided by a store or food
9 service business to a customer at the point of sale for the
10 purpose of transporting groceries or retail goods.

11 "Department" means the department of health.

12 "Expanded polystyrene" means blown polystyrene and expanded
13 and extruded foams that are thermoplastic petrochemical
14 materials utilizing a styrene monomer and processed by a number
15 of techniques, including, but not limited to, fusion of polymer
16 spheres (expandable bead polystyrene), injection molding, foam
17 molding, and extrusion-blow molding (extruded foam polystyrene).



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1 "Expanded polystyrene food service product" means a product
2 made, in whole or in part, of expanded polystyrene that is used
3 for selling or providing a food or beverage, and includes, but
4 is not limited to, a food container, plate, hot or cold beverage
5 cup, meat or vegetable tray, or egg carton.

6 "Expanded polystyrene food service product" does not
7 include a product used to package raw, uncooked, or butchered
8 meat, fish, poultry, or seafood for off-premises consumption.

9 "Food service business" means a business that sells or
10 provides prepared food for consumption on or off the premises,
11 and includes any restaurant, bar area that is part of a
12 restaurant, café, delicatessen, coffee shop, catering facility,
13 supermarket or grocery store, vending truck or cart, food truck,
14 sandwich stand, movie theater, or business or institutional
15 cafeteria, including those operated by or on behalf of the
16 State.

17 "Plastic" means any material made of polymeric organic
18 compounds and additives that can be shaped by flow.

19 "Plastic bag" means a bag that is made from plastic.

20 "Plastic straw" means a straw that is made wholly or
21 partially from plastic.



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

8 "Polystyrene foam container" means a container that is made
9 from polystyrene.

10 "Prepared food" means food or beverages that are prepared
11 to be consumed on or off the premises of a food service
12 business.

13 "Store" means any grocery store, supermarket, convenience
14 store, liquor store, pharmacy, drug store, or other retail
15 establishment that has over one thousand square feet of retail
16 space and that provides carryout bags to its customers as a
17 result of the sale of a product.

18 "Undue hardship" includes situations in which:

- 19 (1) No acceptable alternatives to packaging with
20 polystyrene foam containers exist, for reasons that
21 are unique to the applicant; or



1 (2) No reasonable alternative to the expanded polystyrene
2 food service containers exists.

3 § -2 Prohibition on the sale, use, or distribution of
4 plastic straws, plastic bags, polystyrene foam containers, and
5 expanded polystyrene food service products. (a) No food
6 service business operating within the State shall:

7 (1) Distribute, sell, offer for sale, or otherwise provide
8 any plastic straws, plastic bags, or polystyrene foam
9 containers, or expanded polystyrene food service
10 products, to a customer; or

11 (2) Serve or package prepared food in plastic bags,
12 polystyrene foam containers, or expanded polystyrene
13 food service products, or accompanied by plastic
14 straws.

15 (b) No store operating in this State shall provide a
16 plastic carryout bag to a customer.

17 § -3 Exemption; store or food service business. (a) A
18 store or food service business may receive from the department a
19 one-year exemption from the requirements of section -2 if the
20 entity requesting the exemption demonstrates to the satisfaction
21 of the department that compliance with section -2 would



1 impose undue hardship on the entity and that the entity has no
2 acceptable alternatives to the use of expanded polystyrene foam.

3 (b) Prior to the end of the expiration of the exemption
4 granted pursuant to subsection (a), a store or food service
5 business may reapply to the department for an additional
6 expiration. The department may grant an additional exemption
7 from section -2 not to exceed one year if, at the time of
8 application, the store or food service business demonstrates, to
9 the satisfaction of the department, a continued undue hardship.

10 § -4 **Penalties.** Any person who violates this chapter
11 shall be subject to a penalty of up to \$5,000 for each offense.
12 Each day of each violation shall constitute a separate offense.

13 § -5 **Rules.** The department of health shall 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 stores and food service
17 businesses to educate their customers regarding proper disposal
18 of non-reusable food containers and litter reduction.

19 § -6 **Relation to other laws.** This chapter shall not
20 preempt the authority of a county to adopt and enforce
21 additional single-use take-out food packaging ordinances that



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1 are more restrictive than the standards established under this
2 chapter."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.


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

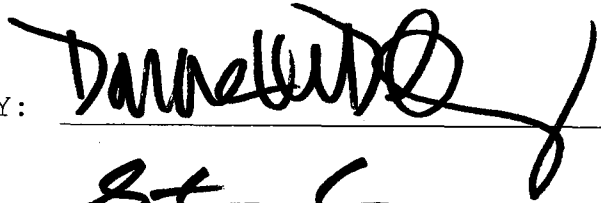



12 SECTION 4. Nothing in this Act shall be interpreted or
13 applied so as to create any requirement, power, or duty in
14 conflict with any federal law.

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

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INTRODUCED BY:

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Freddie R. ...





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Report Title:

Polystyrene Foam Containers; Expanded Polystyrene Food Service Products; Plastic Straws; Plastic Bags; Prohibitions

Description:

Prohibits food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

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

