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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that polystyrene foam has  
2 significant negative impacts on the environment. Due to its  
3 lightweight nature and its ability to break down into smaller  
4 fragments that persist for decades, polystyrene foam contributes  
5 to the potential death of marine animals and avian populations  
6 through ingestion. The legislature therefore believes that to  
7 protect the State's unique environment and the health and  
8 welfare of its marine and avian life, the use of polystyrene  
9 foam containers for sale or service of prepared food within the  
10 State should be prohibited.

11           The purpose of this Act is to promote public health, reduce  
12 litter, and limit the entry of harmful materials into the  
13 environment by prohibiting the sale of polystyrene foam food  
14 service containers and the sale or service of prepared food  
15 using polystyrene foam containers statewide. The legislature  
16 anticipates that this Act will have the effect of encouraging



1 the use of environmentally preferred alternatives, such as  
2 containers made from recyclable and compostable materials.

3 SECTION 2. The Hawaii Revised Statutes is amended by  
4 adding a new chapter to title 19 to be appropriately designated  
5 and to read as follows:

6 **"CHAPTER**

7 **POLYSTYRENE FOAM CONTAINERS**

8 § -1 **Definitions.** As used in this chapter:

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

16 "Polystyrene foam container" means a container that is made  
17 using polystyrene.

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



1 "Restaurant" means an eating establishment, including but  
2 not limited to coffee shops, cafeterias, sandwich stands, food  
3 trucks, and private and public school cafeterias, that gives or  
4 offers for sale food or beverages to the public, guests, or  
5 employees, as well as kitchens and catering facilities in which  
6 food or beverages are prepared on the premises for serving  
7 elsewhere. The term "restaurant" includes a bar area within a  
8 restaurant and outdoor areas of restaurants.

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

11 **§ -2 Prohibition on the sale and use of polystyrene foam**  
12 **food service containers.** (a) No vendor operating within the  
13 State shall sell any polystyrene foam containers.

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

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



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

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

10 SECTION 5. This Act shall take effect on July 1, 2100.



**Report Title:**

Environment; Polystyrene Foam; Prohibition; Food Service

**Description:**

Prohibits sale of polystyrene foam food service containers and the sale or service of food using polystyrene containers statewide. Authorizes the Department of Health to adopt rules for implementation including for enforcement, exemptions, and consumer education. (SB367 HD1)

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

