



GOV. MSG. NO. 1263

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 1, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2021, the following bill was signed into law:

SB348 SD1 HD1 CD1

RELATING TO BOTTLED WATER
ACT 161 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 Americans send more
2 than thirty-eight billion water bottles to landfills every year,
3 while only thirty per cent of water bottles are placed in a
4 recycling bin. Aluminum cans, however, are recycled twice as
5 often as plastic, glass, and cartons. Unlike single-use plastic
6 bottles, one hundred per cent of the aluminum can is recyclable,
7 meaning the material from one aluminum can or bottle can be used
8 to make another aluminum can without any new material. This
9 closed loop cycle can take as little as sixty days.

10 The legislature further finds that many carbonated soft
11 drink companies in other states also produce canned
12 noncarbonated water with the same equipment used to make their
13 other products. However, existing state law expressly prohibits
14 carbonated soft drink, juice, and beer operations from using the
15 same equipment to can noncarbonated bottled water. This
16 restriction unfairly and unnecessarily limits local beverage
17 filling companies that manufacture other products from providing



1 noncarbonated water in aluminum cans to consumers as an
2 alternative to single-use plastic water bottles.

3 The legislature notes that the soft drink companies in
4 other states use antimicrobial agents such as ozone during the
5 canned water production process. The ozonated water passing
6 throughout the entire filling operation at these companies
7 effectively eliminates microbiological contamination of the
8 finished product.

9 The purpose of this Act is to:

- 10 (1) Update a reference to federal bottled water standards;
11 and
12 (2) Repeal the requirement that noncarbonated bottled
13 water be bottled in or through lines or equipment
14 through which only water is passed.

15 SECTION 2. Section 328D-2, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) All bottled water shall be from an approved source
18 and shall not contain any constituent in quantities that may be
19 injurious to health, as established by rules adopted by the
20 department or other government agency or agencies having
21 jurisdiction. All bottled water shall meet standards prescribed



1 by the FDA in title 21 C.F.R. section [~~103.35, except that the~~
2 ~~total dissolved solids limitation of section 103.35(d) shall not~~
3 ~~apply to mineral water.] 165.110."~~

4 SECTION 3. Section 328D-3, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) Bottled water production, including transporting,
7 processing, packaging, and storage, shall be conducted under
8 [~~such~~] conditions and controls [~~as are~~] necessary to minimize
9 the potential for microbiological contamination of the finished
10 product. These conditions and controls shall include the
11 following:

- 12 (1) Bottled water shall be subject to effective germicidal
13 treatment by ozonation or carbonation at a minimum of
14 three volumes of carbon dioxide or other equivalent
15 disinfection approved by the department or government
16 agency or agencies having jurisdiction; and
17 (2) Bottled water shall not be transported or stored in
18 bulk tanks or processed or bottled through equipment
19 or lines used for any nonfood product [~~and~~
20 ~~(3) For optimum consumer protection, in order to minimize~~
21 ~~the potential for microbiological contamination of the~~



1 ~~finished product, noncarbonated bottled water shall~~
2 ~~not be transported, stored, processed, or bottled in~~
3 ~~or through lines or equipment through which any food~~
4 ~~product other than water is passed]."~~

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 01 day of JUL , 2021





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 348, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives