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# A BILL FOR AN ACT

RELATING TO LABELING.

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

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**"PART . LABELING OF NON-FLUSHABLE PRODUCTS**

**§321- Definitions.** As used in this part:

"Agency" means the United States Environmental Protection Agency.

"Covered product" means:

(1) A premoistened nonwoven disposable wipe marketed as a baby or diapering wipe; or

(2) A premoistened nonwoven disposable wipe that is:

(A) Composed entirely or in part of

petrochemical-derived fibers; and

(B) Is likely to be used in a bathroom and has

significant potential to be flushed, including:

(i) Adult hygiene wipes;

(ii) Adult incontinence wipes;



- 1 (iii) Antibacterial wipes;
- 2 (iv) Bathroom cleaning wipes;
- 3 (v) Body cleansing wipes;
- 4 (vi) Disinfecting wipes;
- 5 (vii) Facial and makeup removal wipes;
- 6 (viii) Feminine hygiene wipes;
- 7 (ix) General purpose cleaning wipes;
- 8 (x) Hand sanitizing wipes;
- 9 (xi) Hard surface cleaning wipes;
- 10 (xii) Personal care wipes for use on the body; and
- 11 (xiii) Toilet cleaning wipes.

12 "Department" means department of health.

13 "Label notice" means the phrase "DO NOT FLUSH" in a size  
14 equal to no less than two per cent of the surface area of the  
15 principal display panel.

16 "Principal display panel" means the side of a product  
17 package that is most likely to be displayed, presented, or shown  
18 under customary display conditions for retail sales. "Principal  
19 display panel" includes the following:

- 20 (1) In the case of a cylindrical or nearly cylindrical  
21 package, the surface area of the principal display



1 panel contributes forty per cent of the product  
2 package, as measured by multiplying the height of the  
3 container by the circumference; and

4 (2) In the case of a flexible film package, in which a  
5 rectangular prism or nearly rectangular prism stack of  
6 wipes is housed within the film, the surface area of  
7 the principal display panel constitutes the length  
8 multiplied by the width of the side of the package  
9 when the flexible packaging film is pressed flat  
10 against the stack of wipes on all sides of the stack.

11 "Symbol" means the "DO NOT FLUSH" symbol as depicted in the  
12 INDA/EDANA Code of Practice Second Edition and published in the  
13 "Guidelines for Assessing the Flushability of Disposable  
14 Nonwoven Products, Edition 4, May 2018".

15 **§321- Labeling requirement.** (a) Except as otherwise  
16 provided in paragraph (4), a covered product sold, offered for  
17 sale, or distributed for sale in this State shall include the  
18 following labels prominently displayed in a conspicuous location  
19 that is reasonably viewable each time a covered product is  
20 dispensed:

21 (1) If the package is cylindrical or near cylindrical:



1 (A) The symbol and label notice shall be placed on  
2 the principal display panel; or

3 (B) The symbol shall be placed on the principal  
4 display panel, and the symbol or label notice, or  
5 both, shall be placed on the flip lid, covering  
6 no less than eight per cent of the surface of the  
7 flip lid, and may be embossed;

8 (2) If the package is a flexible film package, the symbol  
9 shall be placed on the principal display panel and the  
10 dispensing side panel. The label notice shall be  
11 placed on the principal display panel, the dispensing  
12 side panel, or both;

13 (3) If the package is a refillable tub or other rigid  
14 packaging intended to be reused, the symbol and label  
15 notice shall be placed on the principal display panel;  
16 and

17 (4) If the packaging is not subject to the requirements  
18 described in paragraph (1), (2), or (3), the symbol  
19 and label notice shall be placed on the principal  
20 display panel.



(b) The labels described in subsection (a)(1) and (3), shall comply with the following:

(1) No seams, fold, or other package design elements shall obscure the symbol or label notice;

(2) The symbol and label notice shall appear in sharp contrast to the background; and

(3) The symbol shall be sized no less than two per cent of the surface area of the principal display panel.

(c) If a covered product is sold, offered for sale, or distributed for sale in bulk packaging, the label on each individual package of covered products and the outer bulk packaging shall comply with the requirements of this section, as applicable; provided that nothing in this subsection shall apply to:

(1) An individual package of covered products contained within the outer bulk packaging that is not intended to dispense individual wipes and contains no retail labeling;

(2) Outer bulk packaging that does not obscure the symbol and label notice on the individual packages of covered products; and



(3) The outer packaging or outer bulk packaging of consumer products not covered by this section that are sold, offered for sale, or distributed for sale in combination with a covered product; provided that the symbol and label notice shall be placed on the covered product in a conspicuous location that is reasonably viewable if the packaging of the combination product is smaller than three inches by three inches.

(d) No covered products sold, offered for sale, or distributed for sale in this State shall make any representation that a covered product is flushable, including through the use of a product name, endorsement, depiction, illustration, trademark, or trade name.

(e) The label requirements provided in this section shall apply to covered products that are regulated pursuant to, and to the extent any label requirements do not conflict with:

(1) The Federal Hazardous Substances Act, title 15 United States Code sections 1261 to 1278; and

(2) The Federal Insecticide, Fungicide, and Rodenticide Act, title 7 United States Code sections 136 to 136y.



(f) Not later than January 1, 2026, the manufacturer of a covered product required to be registered with the agency or department pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, title 7 United States Code sections 136 to 136y, shall submit a copy of a symbol and label notice pursuant to this section, to the agency or department. Upon approval of the symbol and label notice by the agency, the manufacturer of the covered product shall submit a copy of the approved symbol and label notice to the department and begin using the approved symbol and label notice or portion thereof. If the agency or department does not approve the symbol and label notice, the manufacturer of the covered product shall use the symbol and label notice that the agency previously approved until the agency approves a new symbol and label notice. A symbol and label notice approved or partially approved under this subsection shall be in use within six months after the agency approves the symbol and label notice.

**§321- Penalties.** (a) Any person in violation of this part shall be subject to a civil fine as follows:

(1) For a first violation, a civil fine of no more than \$2,000;



1 (2) For a second violation, a civil fine of no more than  
2 \$5,000; and

3 (3) For a third or subsequent violation, a civil fine of  
4 no more than \$10,000.

5 (b) A violation of this part may be prosecuted by the  
6 prosecuting attorney of the county in which the violation  
7 occurred or by the attorney general."

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

11 SECTION 3. This Act shall take effect on July 1, 3000.





**Report Title:**

Labeling Requirements; Do Not Flush; Premoistened Nonwoven Disposable Wipes; Consumer Protection; Waste; Environmental Protection; Penalties

**Description:**

Establishes labeling requirements for certain premoistened nonwoven disposable wipes. Establishes civil penalties. Effective 7/1/3000. (HD1)

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