

ACT 128

S.B NO. 2545

A Bill for an Act Relating to Glass Recovery.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to improve compliance with, and enforcement of, the glass advance disposal fee program by clarifying that all glass importers are subject to record keeping requirements and inspection by the department of health, regardless of whether they are registered with the department of health.

SECTION 2. Section 342G-81, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“‘Import’ means to buy, bring, or accept delivery of glass containers from an address, supplier, or any entity outside of the State of Hawaii.”

SECTION 3. Section 342G-83, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All glass container importers [registered with the department] shall maintain records reflecting the manufacture of their glass containers as well as the importation and exportation of products packaged in glass. The records shall be made available, upon request, for inspection by the department; provided that any proprietary information obtained by the department shall be kept confidential, and shall not be disclosed to any other person except:

- (1) As may be reasonably required in an administrative or judicial proceeding to enforce any provision of this chapter or any rule adopted pursuant to this chapter; or
- (2) Under an order issued by a court or administrative agency hearing officer.”

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SECTION 4. Section 342G-88, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342G-88]]~~ **Penalties.** Any person who violates any provision of this part, or any rule adopted thereunder, shall be fined not more than \$10,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this section shall be considered [a civil] an administrative action.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 26, 2000.)