

ACT 230

S.B. NO. 1133

A Bill for an Act Relating to the Deposit Beverage Container Program.

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

SECTION 1. The purpose of this Act is to include energy and dietary supplement beverage containers in the deposit beverage container program.

SECTION 2. Section 342G-1, Hawaii Revised Statutes, is amended by amending the definition of “deposit beverage” to read as follows:

““Deposit beverage” means beer, ale, or other drink produced by fermenting malt, mixed spirits, mixed wine, tea and coffee drinks regardless of dairy-derived product content, soda, or noncarbonated water, and all nonalcoholic drinks in liquid form and intended for internal human consumption that is contained in a deposit beverage container.

The term “deposit beverage” excludes the following:

- (1) A liquid ~~[which]~~ that is:
 - (A) A syrup;
 - (B) In a concentrated form; or
 - (C) Typically added as a minor flavoring ingredient in food or drink, such as extracts, cooking additives, sauces, or condiments;
- (2) A liquid ~~[which]~~ that is ingested in very small quantities and which is consumed for medicinal purposes only;
- (3) A ~~[liquid which is designed and consumed only as a nutritional]~~ single serving of one ounce or less of a dietary supplement as defined in the Dietary-Supplement Health and Education Act of 1994 (P.L. 103-417) [and not as a beverage];
- (4) A liquid that the department finds to be the sole item of a meal or diet;
- ~~(4)~~ (5) Products frozen at the time of sale to the consumer, or, in the case of institutional users such as hospitals and nursing homes, at the time of sale to the users;
- ~~(5)~~ (6) Products designed to be consumed in a frozen state;
- ~~(6)~~ (7) Instant drink powders;
- ~~(7)~~ (8) Seafood, meat, or vegetable broths, or soups, but not juices; and

- ~~[(8)]~~ (9) Milk and all other dairy-derived products, except tea and coffee drinks with trace amounts of these products.”

SECTION 3. Section 342G-101, Hawaii Revised Statutes, is amended by amending the definition of “deposit beverage” to read as follows:

““Deposit beverage” means beer, ale, or other drink produced by fermenting malt, mixed spirits, mixed wine, tea and coffee drinks regardless of dairy-derived product content, soda, or noncarbonated water, and all nonalcoholic drinks in liquid form and intended for internal human consumption that is contained in a deposit beverage container.

The term “deposit beverage” excludes the following:

- (1) A liquid ~~[which]~~ that is:
 - (A) A syrup;
 - (B) In a concentrated form; or
 - (C) Typically added as a minor flavoring ingredient in food or drink, such as extracts, cooking additives, sauces, or condiments;
- (2) A liquid ~~[which]~~ that is a drug, medical food, or infant formula as defined by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §301 et seq.);
- (3) A ~~[liquid which is designed and consumed only as a]~~ single serving of one ounce or less of a dietary supplement [and not as a beverage] as defined in the Dietary Supplement Health and Education Act of 1994 (P.L. 103-417);
- (4) A liquid that the department finds to be the sole item of a meal or diet;
- ~~[(4)]~~ (5) Products frozen at the time of sale to the consumer, or, in the case of institutional users such as hospitals and nursing homes, at the time of sale to the users;
- ~~[(5)]~~ (6) Products designed to be consumed in a frozen state;
- ~~[(6)]~~ (7) Instant drink powders;
- ~~[(7)]~~ (8) Seafood, meat, or vegetable broths, or soups, but not juices; and
- ~~[(8)]~~ (9) Milk and all other dairy-derived products, except tea and coffee drinks with trace amounts of these products.”

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

SECTION 5. This Act shall take effect on July 1, 2014.

(Approved June 27, 2013.)