

STAND. COM. REP. NO.

182

Honolulu, Hawaii

FEB 15 2011

RE: S.B. No. 179

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Energy and Environment, to which was referred S.B. No. 179 entitled:

"A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the exemption for dietary supplements from the Deposit Beverage Container Program.

Your Committee received testimony in support of this measure from Loretta J. Fuddy and Steven Chang, Department of Health; Robert Harris, Sierra Club, Hawai'i Chapter; Marjorie Ziegler, Conservation Council for Hawai'i; Marjorie Erway; Joy Leilei Shih; and Michael Gach. Your Committee received testimony in opposition to this measure from John Hewitt, Grocery Manufacturers Association.

Your Committee finds that the State's Deposit Beverage Container Program has proven to be an overwhelming success for Hawaii's environment and that increasing the types of beverage containers that can be collected for a refund will help further reduce the numbers of containers in landfills, on land, and in the water.

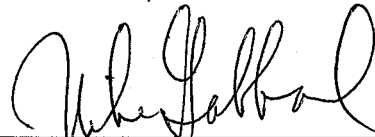
Your Committee further finds that energy drinks are becoming increasingly popular and are using the dietary supplement exemption to evade compliance with the State's Deposit Beverage Container Program law and that there is no logical basis for



exempting this growing class of beverages from the program. Your Committee has heard the concerns expressed in testimony regarding the potential unintended inclusion of non-liquids such as tablets, capsules, powders, energy bars, etc. and has determined that these concerns are unfounded as section 342G-101, Hawaii Revised Statutes, defines "deposit beverage" as "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 statute relates specifically to liquids only and this measure simply includes so-called energy drinks in the State's Deposit Beverage Container Program.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 179 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,

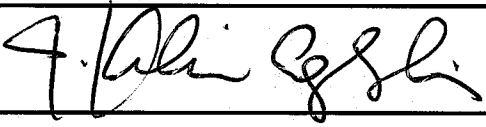


MIKE GABBARD, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

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|--|--|----------------------------|----------|---------|
| Bill / Resolution No.:* SB 179 | Committee Referral: ENE, WAM | Date: 8 Feb 2011 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| GABBARD, Mike (C) | ✓ | | | |
| ENGLISH, J. Kalani (VC) | ✓ | | | |
| GREEN, M.D., Josh | ✓ | | | |
| IHARA, Jr., Les | ✓ | | | |
| SLOM, Sam | | | ✓ | |
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| TOTAL | 4 | 0 | 1 | |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes