

Honolulu, Hawaii

FEB 07 2013

RE: S.B. No. 1133
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 1133 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 the Department of Health; Conservation Council of Hawaii; Sierra Club, Hawaii Chapter; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association.

Your Committee finds that along with milk, drugs, medical foods, and infant formula, dietary supplements have been excluded from the deposit beverage container program. Hawaii statute cites federal Food and Drug Administration regulations in defining "dietary supplement". However, the Food and Drug Administration does not vigorously regulate the dietary supplement industry. This approach gives manufacturers nearly free reign to unilaterally define a product as a dietary supplement or not.

Your Committee further finds that the ambiguity of regulations for dietary supplements makes it difficult for the deposit beverage container program to make consistent eligibility



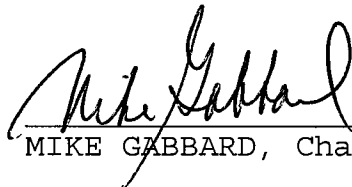
determinations on potential dietary supplements for Hawaii's program. These difficulties are frustrating to the deposit beverage container program and beverage distributors because of the disproportionate time and effort involved in making a proper determination. Deleting the "dietary supplement" exemption will facilitate more consistent eligibility determinations.

Your Committee expresses concerns about dietary supplements in containers of one fluid ounce or less and whether those containers can be in compliance. Your Committee finds that this concern merits further consideration and requests that your Committee on Ways and Means further examine this issue.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1133, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1133, S.D. 1, and be referred to the Committee on Ways and Means.

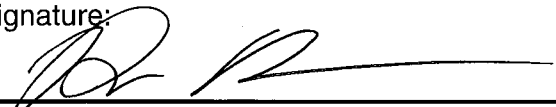
Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,


MIKE GABBARD, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* SB 1133	Committee Referral: ENE, WAM	Date: 11/31/13		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	X			
RUDERMAN, Russell E. (VC)	X			
CHUN OAKLAND, Suzanne	X			
IHARA, Jr., Les	X			
SLOM, Sam			X	
TOTAL	4	0	1	0
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