
A BILL FOR AN ACT

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

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

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

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

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

13 The term "deposit beverage" excludes the following:

14 (1) A liquid [~~which~~] that is:

15 (A) A syrup;

16 (B) In a concentrated form; or



- 1 (C) Typically added as a minor flavoring ingredient
2 in food or drink, such as extracts, cooking
3 additives, sauces, or condiments;
- 4 (2) A liquid [which] that is ingested in very small
5 quantities and which is consumed for medicinal
6 purposes only;
- 7 ~~[(3) A liquid which is designed and consumed only as a
8 nutritional dietary supplement as defined in the
9 Dietary Supplement Health and Education Act of 1994
10 (P.L. 103-417) and not as a beverage;~~
- 11 ~~[(4)]~~ (3) Products frozen at the time of sale to the
12 consumer, or, in the case of institutional users such
13 as hospitals and nursing homes, at the time of sale to
14 the users;
- 15 ~~[(5)]~~ (4) Products designed to be consumed in a frozen
16 state;
- 17 ~~[(6)]~~ (5) Instant drink powders;
- 18 ~~[(7)]~~ (6) Seafood, meat, or vegetable broths, or soups, but
19 not juices; and
- 20 ~~[(8)]~~ (7) Milk and all other dairy-derived products, except
21 tea and coffee drinks with trace amounts of these
22 products."



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

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

10 The term "deposit beverage" excludes the following:

11 (1) A liquid [~~which~~] that is:

12 (A) A syrup;

13 (B) In a concentrated form; or

14 (C) Typically added as a minor flavoring ingredient
15 in food or drink, such as extracts, cooking
16 additives, sauces, or condiments;

17 (2) A liquid [~~which~~] that is a drug, medical food, or
18 infant formula as defined by the Federal Food, Drug,
19 and Cosmetic Act (21 U.S.C. §301 et seq.);

20 [~~(3) A liquid which is designed and consumed only as a~~
21 ~~dietary supplement and not as a beverage as defined in~~



1 ~~the Dietary Supplement Health and Education Act of~~
2 ~~1994 (P.L. 103-417),~~
3 ~~(4)]~~ (3) Products frozen at the time of sale to the
4 consumer, or, in the case of institutional users such
5 as hospitals and nursing homes, at the time of sale to
6 the users;
7 ~~(5)]~~ (4) Products designed to be consumed in a frozen
8 state;
9 ~~(6)]~~ (5) Instant drink powders;
10 ~~(7)]~~ (6) Seafood, meat, or vegetable broths, or soups, but
11 not juices; and
12 ~~(8)]~~ (7) Milk and all other dairy-derived products, except
13 tea and coffee drinks with trace amounts of these
14 products."

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

17 SECTION 5. This Act, upon its approval, shall take effect
18 on January 1, 2014.

19



Report Title:

Deposit Beverage Container Program; Dietary Supplements

Description:

Removes the exemption for dietary supplements from the deposit beverage container program. Takes effect 1/1/2014. (SD1)

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