

JAN 18 2013

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **EXPANDED POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE CONTAINERS**

6 § -1 **Definitions.** As used in this chapter:

7 "Compostable" means all materials in the product will break
8 down into usable compost in a safe and timely manner without
9 leaving any toxic residue.

10 "Disposable food service container" means disposable
11 products used in a restaurant or take-out food operation as
12 packaging to serve or transport prepared, ready-to-consume food
13 or beverages, including but not limited to plates, cups, bowls,
14 trays, and hinged or lidded containers.

15 "Expanded polystyrene foam" means blown polystyrene and
16 expanded and extruded foams that are thermoplastic petrochemical
17 materials utilizing styrene.



1 "Prepared food" means food or beverages that are prepared
2 for consumption on the premises of a restaurant or food
3 establishment or taken out by a customer from the restaurant or
4 food establishment.

5 § -2 **Expanded polystyrene foam disposable food service**
6 **containers; prohibited use.** (a) Beginning January 1, 2015,
7 restaurants and other food establishments shall not use
8 disposable food service containers made of expanded polystyrene
9 foam as packaging for prepared food.

10 (b) Restaurants and other food establishments shall
11 substitute compostable disposable food service containers for
12 expanded polystyrene foam disposable food service containers.

13 § -3 **Administration.** The department of health shall
14 administer and enforce this chapter. The director of health
15 shall adopt rules pursuant to chapter 91 necessary to implement
16 the purposes of this chapter.

17 § -4 **Penalties.** A restaurant or other food
18 establishment that violates section -2 shall receive a
19 written warning from the department of health for an initial
20 violation. Violators shall pay a fine for subsequent violations
21 as follows:

22 (1) \$100 for each of the second and third violation;



- 1 (2) \$300 for each of the fourth and fifth violation; and
- 2 (3) \$500 for the fifth violation and each subsequent
- 3 violation.

4 Each day of each violation shall be considered a separate
5 offense. Any action taken in court to impose or collect the
6 penalty provided for in this section shall be considered a civil
7 action."

8 SECTION 2. The department of health shall establish and
9 maintain a list of suitable and appropriate packaging for
10 prepared food, including but not limited to compostable
11 disposable food service containers, as alternatives to the use
12 of polystyrene, polystyrene foam, and expanded polystyrene
13 disposable food service containers. The department shall post
14 its findings on a publicly accessible website no later than
15 July 1, 2014. The content of the website shall be updated with
16 any new developments.

17 SECTION 3. This Act shall take effect upon its approval.

18

INTRODUCED BY:





Report Title:

Environment; Foam Disposable Food Containers

Description:

Prohibits food establishments from using expanded polystyrene foam disposable food service containers beginning 1/1/15. Requires food establishments to use compostable food containers beginning 1/1/15. Requires violators to pay a fine for repeated violations. Requires the department of health to establish a list of alternative food containers to be posted on the department's website by 7/1/14.

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