
A BILL FOR AN ACT

RELATING TO BEVERAGES.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . SUGAR-SWEETENED BEVERAGES SAFETY WARNING

5 §321-A Definitions. As used in this part, unless the
6 context clearly requires otherwise:

7 "Caloric sweetener" means any substance containing five or
8 more calories per serving, suitable for human consumption, that
9 humans perceive as sweet, including sugar, sucrose, fructose,
10 glucose, other sugars, and fruit juice concentrate.

11 "Container" means any receptacle that is intended or used
12 to hold a sugar-sweetened beverage for individual sale to a
13 consumer, including a bottle, box, can, cup, glass, or pouch.

14 "Department" means the department of health.

15 "Distribute" means to sell or otherwise provide a product
16 to any person for resale to a consumer in the ordinary course of
17 business.



1 "Nonalcoholic beverage" means any beverage that contains
2 less than one-half of one per cent alcohol per volume.

3 "Powder" means any solid mixture of ingredients that
4 contains caloric sweetener intended for making, mixing, or
5 compounding a sugar-sweetened beverage by combining the powder
6 with any one or more other ingredients.

7 "Sale" or "sell" means any distribution or transfer for a
8 business purpose, regardless of whether consideration is
9 received.

10 "Sealed container" means a container that holds a beverage
11 and is closed or sealed before a retailer obtains the container
12 for resale.

13 "Soda fountain" means any device that dispenses a sugar-
14 sweetened beverage into an unsealed container as a ready-to-
15 drink beverage.

16 "Sugar-sweetened beverage" means any nonalcoholic beverage,
17 carbonated or noncarbonated, that contains any added caloric
18 sweetener; provided that the term shall not include:

- 19 (1) A beverage consisting of one hundred per cent natural
20 fruit or vegetable juice with no added caloric
21 sweetener. For purposes of this paragraph, "natural



1 fruit juice" and "natural vegetable juice" mean the
2 original liquid resulting from the pressing of fruits
3 or vegetables, or the liquid resulting from the
4 dilution of dehydrated or concentrated natural fruit
5 juice or natural vegetable juice;

6 (2) A dietary aid, including liquid products manufactured
7 for use as:

8 (A) An oral nutritional therapy for persons who
9 cannot absorb or metabolize dietary nutrients
10 from food or beverages;

11 (B) A source of necessary nutrition used as a result
12 of a medical condition; or

13 (C) An oral electrolyte solution for infants and
14 children formulated to prevent dehydration due to
15 illness;

16 (3) Infant formula; and

17 (4) Sweetened medication.

18 "Syrup" means any liquid mixture of ingredients that
19 contains caloric sweetener intended for making, mixing, or
20 compounding a sugar-sweetened beverage by combining the syrup
21 with any one or more other ingredients.



1 "Unsealed container" means a container into which a
2 beverage is dispensed or poured at the business premises where
3 the beverage is purchased, and includes glasses, cups, and all
4 containers for fountain drinks.

5 **§321-B Safety warning required for sealed containers.** (a)

6 No person may distribute, sell, or offer for sale a sugar-
7 sweetened beverage in a sealed container unless the sealed
8 container bears the following safety warning in bold typeface
9 and meets all of the requirements of this section:

10 "SAFETY WARNING: Drinking beverages with added sugar
11 contributes to obesity, diabetes, and tooth decay."

12 (b) The safety warning required by this section shall be
13 prominently displayed, readily legible under normal conditions,
14 separate and apart from all other information, and on a
15 contrasting background.

16 (c) The safety warning required by this section shall
17 appear in a font size and using a maximum number of characters
18 per inch, as follows:

19 (1) For sealed containers eight fluid ounces or less, the
20 safety warning shall be in a font not smaller than one
21 millimeter and no more than forty characters per inch;



1 (2) For sealed containers of more than eight fluid ounces
2 and less than two liters, the safety warning shall be
3 in a font not smaller than two millimeters and not
4 more than twenty-five characters per inch; and

5 (3) For sealed containers of two liters or more, the
6 safety warning shall be in a font not smaller than
7 three millimeters and not more than twelve characters
8 per inch.

9 (d) If the safety warning required by this section is not
10 printed directly on the sealed container, it shall be affixed to
11 the sealed container so that it cannot be removed without
12 thorough application of water or other solvents.

13 (e) No person may distribute, sell, or offer for sale a
14 multipack of sugar-sweetened beverages in sealed containers
15 unless the multipack bears the safety warning required by
16 subsection (a). The safety warning shall be posted
17 conspicuously on at least two sides of the multipack, in
18 addition to being posted on each individual sealed container.

19 (f) No person may distribute, sell, or offer for sale a
20 syrup or powder in packaging that is intended for retail sale



1 unless the packaging of the syrup or powder bears the safety
2 warning required by subsection (a).

3 (g) The department shall establish rules pursuant to
4 chapter 91 to implement the purposes of this part. The
5 department, by rule adopted pursuant to chapter 91, may
6 authorize alternatives to the safety warning language required
7 by subsection (a) for purposes of conformity with similar
8 warnings required by other states.

9 **§321-C Vending machines; soda fountains; point of sale;**
10 **safety warning required.** (a) Every person who owns, leases, or
11 legally controls the premises where a vending machine or soda
12 fountain is located, or where a sugar-sweetened beverage is sold
13 in an unsealed container, shall cause to be placed a safety
14 warning in each of the following locations:

- 15 (1) On the exterior of any vending machine that includes a
16 sugar-sweetened beverage for sale;
- 17 (2) On the exterior of any soda fountain used by a
18 consumer to dispense a sugar-sweetened beverage
19 through self-service; and
- 20 (3) At the point on the premises where any consumer would
21 normally order or request a sugar-sweetened beverage



1 in an unsealed container, when the unsealed container
2 is filled by an employee or agent rather than the
3 consumer.

4 (b) The safety warning required by this section shall use
5 the same language as the safety warning in section 321-B(a).

6 (c) The safety warning required by this section shall be
7 prominently displayed, readily legible, separate and apart from
8 all other information, and on a contrasting background.

9 **§321-D Outreach and education.** The department shall
10 develop and conduct a retailer outreach and education program
11 designed to inform businesses about the requirements of this
12 part and provide retailers with examples of compliant safety
13 warnings.

14 **§321-E Enforcement and penalties.** (a) Each sealed
15 container, multipack, and package of syrup or powder
16 distributed, sold, or offered for sale in violation of this
17 chapter shall constitute a separate violation. Each day of a
18 continuing violation of this chapter shall constitute a separate
19 violation.



1 (b) Any person who has violated any of the requirements of
 2 this chapter shall be liable for a civil penalty of not less
 3 than \$500 nor more than \$1,000 for each day of violation."

4 SECTION 2. In codifying the new sections added by section
 5 1 of this Act, the revisor of statutes shall substitute
 6 appropriate section numbers for the letters used in designating
 7 the new sections in this Act.

8 SECTION 3. This Act shall take effect on January 1, 2017.
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INTRODUCED BY:

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H.B. NO. 1438

Report Title:

Sugar-Sweetened Beverages; Obesity; Health

Description:

Requires all sweetened beverages to contain a warning label.

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