
A BILL FOR AN ACT

RELATING TO POLYSTYRENE FOAM CONTAINERS.

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

1 SECTION 1. The legislature finds that products made using
2 polystyrene foam are one of the most common kinds of litter
3 pollution in Hawaii. Polystyrene foam is ultra-light, which
4 prevents collection systems from capturing it and allows it to
5 easily accumulate on land and in waterways. The fragments of
6 polystyrene foam that are left leach styrene, a known
7 carcinogen, and other toxins that then poison the environment
8 and the local food chain. The sight of polystyrene products
9 littering Hawaii's landscapes serves as a detriment to the
10 State's number one industry, tourism. Polystyrene foam also
11 contributes to the potential death of marine animals and avian
12 populations through ingestion.

13 The legislature also finds that, in order to absolutely
14 reduce the use of nonreusable food containers and all forms of
15 litter in the environment, additional focus should be placed on
16 implementing a broad education campaign to inform consumers of
17 certain harmful product materials and to encourage proper



1 disposal of litter and strongly encourage consumers to change
 2 their habits. Through education measures, positive
 3 environmental changes and broad reductions of litter can occur
 4 for all material types. Behavior modification campaigns have
 5 been among the most successful long-term litter solutions tested
 6 to date, with significant reductions proven by scientific
 7 studies in North Carolina, Texas, and other states.

8 The purpose of this Act is to protect the State's economy
 9 and environment by prohibiting the sale of polystyrene foam
 10 containers and serving of prepared food using polystyrene foam
 11 containers statewide.

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

15 **"CHAPTER**

16 **POLYSTYRENE FOAM CONTAINERS**

17 **§ -1 Definitions.** As used in this chapter:

18 "Polystyrene" means a thermoplastic petrochemical material
 19 utilizing a styrene monomer, including all polystyrene, meaning
 20 any styrene or vinyl chloride polymer that is blown into a foam-
 21 like material. Polystyrene includes materials created from



1 techniques including the fusion of polymer spheres (expandable
2 bead polystyrene), injection molding, foam molding, and
3 extrusion-blow molding (extruded foam polystyrene).

4 "Polystyrene foam container" means a container that is made
5 using polystyrene.

6 "Prepared food" means food or beverages that are prepared
7 to be consumed on or off the premises of a restaurant or food
8 establishment.

9 "Restaurant" means an eating establishment, including but
10 not limited to coffee shops, cafeterias, sandwich stands, food
11 trucks, and private and public school cafeterias, that gives or
12 offers for sale food or beverages to the public, guests, or
13 employees, as well as kitchens and catering facilities in which
14 food or beverage is prepared on the premises for serving
15 elsewhere. The term "restaurant" includes a bar area within the
16 restaurant and outdoor areas of restaurants.

17 "Vendor" means any person, firm, or corporation engaged in
18 selling or offering for sale any prepared food containers.

19 **§ -2 Prohibition on the sale and use of polystyrene foam**
20 **containers.** (a) No vendor operating within the State shall
21 sell any polystyrene foam containers.



1 (b) No restaurant operating within the State shall serve
2 prepared food using polystyrene foam containers.

3 § -3 Rules. The department of health shall adopt rules
4 pursuant to chapter 91 necessary to implement this chapter,
5 including rules relating to enforcement and exemptions. The
6 rules may also include a requirement for food vendors to educate
7 their customers regarding proper disposal of nonreusable food
8 containers and litter reduction."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. This Act shall take effect on July 1, 2019.

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Report Title:

Polystyrene Foam Products; Prohibition; Disposal of Nonreusable Prepared Food Containers; Litter Reduction

Description:

Prohibits the sale of polystyrene foam containers and serving of prepared foods using polystyrene foam containers statewide. Authorizes the department of health to include within its administrative rules a requirement for prepared food vendors to educate their customers about proper disposal of nonreusable food containers and litter reduction. Takes effect 7/1/2019. (SD2)

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