A BILL FOR AN ACT

RELATING TO POLYSTYRENE FOAM CONTAINERS.

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

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

The purpose of this Act is to protect the State's economy and environment by prohibiting the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers statewide.
SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER  "

POLYSTYRENE FOAM CONTAINERS

§  -1 Definitions. As used in this chapter:

"Polystyrene" means a thermoplastic petrochemical material utilizing a styrene monomer, including all polystyrene, meaning any styrene or vinyl chloride polymer that is blown into a foam-like material. Polystyrene includes materials created from techniques including the fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

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

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

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

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

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

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

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

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.
SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. This Act is intended to be a proper exercise of the State's police power and role as a market participant, to operate only upon its own officers, agents, employees, and facilities, and other persons acting within the State's boundaries, and not to regulate intercity or interstate commerce. Nothing in this Act shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal law.

SECTION 6. This Act shall take effect on July 1, 2020.
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 adopt rules to implement the prohibition and include within its administrative rules a requirement for food vendors to educate their customers about proper disposal of nonreusable food containers and litter reduction.

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