A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. The legislature finds that polystyrene foam has significant negative impacts on the environment. Due to its lightweight nature and its ability to break down into smaller fragments that persist for decades, polystyrene foam contributes to the potential death of marine animals and avian populations through ingestion. The legislature therefore believes that to protect the State's unique environment and the health and welfare of its marine and avian life, the use of polystyrene foam food service containers within the State should be limited.

The purpose of this Act is to promote public health, reduce litter, and limit harmful materials from entering the environment by restricting the use of polystyrene foam food packaging by food providers. The legislature anticipates that this Act will have the effect of encouraging the use of environmentally preferred alternatives, such as containers made from recyclable and compostable materials.
SECTION 2. The Hawaii Revised Statutes is amended by
adding a new chapter to title 19 to be appropriately designated
and to read as follows:

"CHAPTER

DISPOSABLE FOOD SERVICE WARE

§ -1 Definitions. As used in this chapter, unless the
context otherwise requires:

"Affordable" means purchasable for not more than forty per
cent more than the purchase cost of an equivalent polystyrene
foam food service container.

"ASTM Standard" means the American Society for Testing and

"Department" means the department of health.

"Director" means the director of health.

"Food provider" means any entity or person, including any
store, shop, sales outlet, restaurant, bar, pub, coffee shop,
cafeteria, caterer, convenience store, liquor store, grocery
store, supermarket, delicatessen, food truck, catering vehicle
or cart, or roadside stand, that, in the course of its business,
provides prepared food for consumption within the State.
"Food service container" means any plate; tray; cup; bowl; carton; or hinged, lidded, or clamshell container, on or in which any food or beverage is placed or packaged or intended to be placed or packaged and designed for one-time use.

"Polystyrene foam" means any blown polystyrene or expanded and extruded foam that is a thermoplastic petrochemical material that utilizes a styrene monomer and is processed by techniques including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). "Polystyrene foam" does not include clear or solid polystyrene (oriented polystyrene).

"Prepared food" means any food or beverage prepared for consumption using any cooking packaging or food preparation technique, including chopping, slicing, mixing, brewing, freezing, or squeezing, or otherwise prepared for consumption.

§ -2 Prohibitions. Except as provided in section -3:

(1) No food provider shall sell, use, provide, or offer the use of polystyrene foam food service containers within the State;
(2) Polystyrene foam service containers shall not be sold, used, provided, or offered for use at any state facility, state-authorized concession, state-sponsored event, state-permitted event, or state program; and
(3) Polystyrene foam service containers shall not be offered for sale or sold within the State.

§ 3 Exemptions. Section 2 shall not apply:
(1) To any polystyrene foam food service container used for raw or butchered meats, poultry, fish, or eggs, unless the food is suitable for consumption without further food preparation;
(2) To any polystyrene foam cooler or ice chest specifically designed and manufactured for multiple reuses;
(3) To foam blocks or pieces used as protective packaging during shipping; and
(4) If the director has determined that an emergency exists that requires the immediate preservation of life, health, property, safety, or essential public services; provided that an exemption granted under
this paragraph shall only be valid until revoked by
the director.

§ -4 Penalties. Any person who violates this chapter
shall pay a civil penalty of $1,000 to the department for each
violation.

§ -5 Information. Restrictions in this chapter on the
use of polystyrene foam food service containers shall be stated
on each application form for a permit and each contract relating
to state facilities, state-authorized concessions, state-
sponsored events, state-permitted events, or state programs.

§ -6 Federal law. This chapter shall not apply to the
extent that the application of this chapter:

(1) Conflicts with any federal law; or

(2) Disqualifies any state agency from receiving federal
funds or aid.

§ -7 Administration; annual reports. (a) The director
shall adopt rules, pursuant to chapter 91, necessary for the
purposes of this chapter.

(b) The director shall submit to the legislature a report
at least twenty days prior to the convening of the regular
session of 2021 and each regular session thereafter. Each
report shall include information on the enforcement of this
chapter, as well as the number and types of exemptions granted
by the director."

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. This Act shall take effect on January 1, 2020.
Report Title:
Environment; Health; Polystyrene Foam

Description:
Prohibits the sale of polystyrene foam food service containers and their use by food providers. Provides for exemptions. Imposes penalties. Requires reports to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.