
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 restaurants from serving prepared
 10 food using polystyrene foam containers statewide.

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

14 **"CHAPTER**

15 **POLYSTYRENE FOAM CONTAINERS**

16 § -1 **Definitions.** As used in this chapter:

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



1 bead polystyrene), injection molding, foam molding, and
2 extrusion-blow molding (extruded foam polystyrene).

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

5 "Prepared food" means food or beverages that are prepared
6 to be consumed with no additional heating or cooking on or off
7 the premises of a restaurant or food establishment. "Prepared
8 food" does not include raw eggs or butchered meats, fish, or
9 poultry.

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

18 § -2 Prohibition on serving prepared food using
19 polystyrene foam containers. No restaurant operating within the
20 State shall serve prepared food using polystyrene foam
21 containers.



1 § -3 **County ordinances.** Nothing in this chapter shall
2 prohibit a county from enacting ordinances more stringent than
3 this chapter.

4 § -4 **Rules.** The department of health may adopt rules
5 pursuant to chapter 91 necessary to implement this chapter,
6 including rules relating to enforcement and exemptions."

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

10 SECTION 4. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 5. This Act is intended to be a proper exercise of
17 the State's police power and role as a market participant, to
18 operate only upon its own officers, agents, employees, and
19 facilities, and other persons acting within the State's
20 boundaries, and not to regulate inter-city or interstate
21 commerce. Nothing in this Act shall be interpreted or applied

1 so as to create any requirement, power, or duty in conflict with
2 any federal law.

3 SECTION 6. This Act shall take effect on December 31,
4 2020.

5



Report Title:

Polystyrene Foam Containers; Prohibition; Restaurants; Prepared Food

Description:

Prohibits restaurants from serving prepared foods using polystyrene foam containers statewide. Authorizes the Department of Health to adopt rules. Takes effect on December 31, 2020. (SD1)

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