

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

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

10 The purpose of this Act is to promote public health, reduce
11 litter, and limit harmful materials from entering the
12 environment by restricting the use of polystyrene foam food
13 packaging by food providers. The legislature anticipates that
14 this Act will have the effect of encouraging the use of
15 environmentally preferred alternatives, such as containers made
16 from recyclable and compostable materials.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 19 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 DISPOSABLE FOOD SERVICE WARE

6 § -1 **Definitions.** As used in this chapter, unless the
7 context otherwise requires:

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

11 "ASTM Standard" means the American Society for Testing and
12 Materials ASTM International Standard.

13 "Department" means the department of health.

14 "Director" means the director of health.

15 "Food provider" means any entity or person, including any
16 store, shop, sales outlet, restaurant, bar, pub, coffee shop,
17 cafeteria, caterer, convenience store, liquor store, grocery
18 store, supermarket, delicatessen, food truck, catering vehicle
19 or cart, or roadside stand, that, in the course of its business,
20 provides prepared food for consumption within the State.



1 "Food service container" means any plate; tray; cup; bowl;
2 carton; or hinged, lidded, or clamshell container, on or in
3 which any food or beverage is placed or packaged or intended to
4 be placed or packaged and designed for one-time use.

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

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

17 **S -2 Prohibitions.** Except as provided in section -3:

18 (1) No food provider shall sell, use, provide, or offer
19 the use of polystyrene foam food service containers
20 within the State;



1 (2) Polystyrene foam service containers shall not be sold,
2 used, provided, or offered for use at any state
3 facility, state-authorized concession, state-sponsored
4 event, state-permitted event, or state program; and

5 (3) Polystyrene foam service containers shall not be
6 offered for sale or sold within the State.

7 **§ -3 Exemptions.** Section -2 shall not apply:

8 (1) To any polystyrene foam food service container used
9 for raw or butchered meats, poultry, fish, or eggs,
10 unless the food is suitable for consumption without
11 further food preparation;

12 (2) To any polystyrene foam cooler or ice chest
13 specifically designed and manufactured for multiple
14 reuses;

15 (3) To foam blocks or pieces used as protective packaging
16 during shipping; and

17 (4) If the director has determined that an emergency
18 exists that requires the immediate preservation of
19 life, health, property, safety, or essential public
20 services; provided that an exemption granted under



1 this paragraph shall only be valid until revoked by
2 the director.

3 **§ -4 Penalties.** Any person who violates this chapter
4 shall pay a civil penalty of \$1,000 to the department for each
5 violation.

6 **§ -5 Information.** Restrictions in this chapter on the
7 use of polystyrene foam food service containers shall be stated
8 on each application form for a permit and each contract relating
9 to state facilities, state-authorized concessions, state-
10 sponsored events, state-permitted events, or state programs.

11 **§ -6 Federal law.** This chapter shall not apply to the
12 extent that the application of this chapter:

- 13 (1) Conflicts with any federal law; or
- 14 (2) Disqualifies any state agency from receiving federal
15 funds or aid.

16 **§ -7 Administration; annual reports.** (a) The director
17 shall adopt rules, pursuant to chapter 91, necessary for the
18 purposes of this chapter.

19 (b) The director shall submit to the legislature a report
20 at least twenty days prior to the convening of the regular
21 session of 2021 and each regular session thereafter. Each



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1 report shall include information on the enforcement of this
2 chapter, as well as the number and types of exemptions granted
3 by the director."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. This Act shall take effect on January 1, 2020.

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INTRODUCED BY:

Rosely H. Bal



S.B. NO. 769

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.

