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 legislature also finds that, in order to absolutely reduce the use of nonreusable food containers and all forms of litter in the environment, additional focus should be placed on implementing a broad education campaign to inform consumers of certain harmful product materials and to encourage proper
disposal of litter and strongly encourage consumers to change their habits. Through education measures, positive environmental changes and broad reductions of litter can occur for all material types. Behavior modification campaigns have been among the most successful long-term litter solutions tested to date, with significant reductions proven by scientific studies in North Carolina, Texas, and other states.

The purpose of this Act is to protect the State's economy and environment by prohibiting restaurants from serving 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 with no additional heating or cooking on or off
the premises of a restaurant or food establishment. "Prepared
food" does not include raw eggs or butchered meats, fish, or
poultry.
"Restaurant" means an eating establishment, including but
not limited to a coffee shop, cafeteria, sandwich stand, food
truck, and private or public school cafeteria, 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.
§ 2-2 Prohibition on serving prepared food using
polystyrene foam containers. No restaurant operating within the
State shall serve prepared food using polystyrene foam
containers.
§ 3 County ordinances. Nothing in this chapter shall prohibit a county from enacting ordinances more stringent than this chapter.

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

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 inter-city 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 December 31, 2020.
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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