THE SENATE  
THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII  

S.B. NO. 367  
S.D. 1

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

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

"CHAPTER

PLASTIC STRAWS, PLASTIC BAGS, POLYSTYRENE FOAM CONTAINERS, AND EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

§ -1 Definitions. As used in this chapter:

"Carryout bag" means a bag provided by a store or food service business to a customer at the point of sale for the purpose of transporting groceries or retail goods.

"Department" means the department of health.

"Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).
"Expanded polystyrene food service product" means a product made, in whole or in part, of expanded polystyrene that is used for selling or providing a food or beverage, and includes, but is not limited to, a food container, plate, hot or cold beverage cup, meat or vegetable tray, or egg carton. "Expanded polystyrene food service product" does not include a product used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

"Food service business" means a business that sells or provides prepared food for consumption on or off the premises, and includes any restaurant, bar area that is part of a restaurant, café, delicatessen, coffee shop, catering facility, supermarket or grocery store, vending truck or cart, food truck, sandwich stand, movie theater, or business or institutional cafeteria, including those operated by or on behalf of the State.

"Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.

"Plastic bag" means a bag that is made from plastic.

"Plastic straw" means a straw that is made wholly or partially from plastic.
"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 from polystyrene.

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

"Store" means any grocery store, supermarket, convenience store, liquor store, pharmacy, drug store, or other retail establishment that has over one thousand square feet of retail space and that provides carryout bags to its customers as a result of the sale of a product.

§ 2 Prohibition on the sale, use, or distribution of plastic straws, plastic bags, polystyrene foam containers, and expanded polystyrene food service products. (a) No food service business operating within the State shall:
(1) Distribute, sell, offer for sale, or otherwise provide any plastic straws, plastic bags, or polystyrene foam containers, or expanded polystyrene food service products, to a customer; or

(2) Serve or package prepared food in plastic bags, polystyrene foam containers, or expanded polystyrene food service products, or accompanied by plastic straws.

(b) No store operating in this State shall provide a plastic carryout bag to a customer.

§ -3 Penalties. Any person who violates this chapter shall be subject to a penalty of up to $5,000 for each offense. Each day of each violation shall constitute a separate offense.

§ -4 Rules. The department of health shall 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 stores and food service businesses to educate their customers regarding proper disposal of non-reusable food containers and litter reduction.

§ -5 Relation to other laws. This chapter shall not preempt the authority of a county to adopt and enforce
additional single-use take-out food packaging ordinances that are more restrictive than the standards established under this chapter."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. 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 4. 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 5. This Act shall take effect on July 1, 2021.
Report Title:
Polystyrene Foam Containers; Expanded Polystyrene Food Service Products; Plastic Straws; Plastic Bags; Prohibitions

Description:
Prohibits food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags. Takes effect 7/1/2021. (SD1)

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