
A BILL FOR AN ACT

RELATING TO SINGLE-USE PLASTICS.

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

1 SECTION 1. The legislature finds that the local and global
2 impact of the world's increasing waste stream is unsustainable
3 and detrimental to the future of Hawaii's economy, the
4 environmental integrity of our islands, and the health of the
5 people. There has been an exponential rise in single-use food
6 ware items over the past few decades globally, with particularly
7 high increases in plastics and bioplastics. Single-use
8 disposable food ware items, including cups, lids, and single-use
9 food containers, are major contributors to street and beach
10 litter, ocean pollution, and marine and other wildlife harm.

11 A significant portion of marine debris, estimated to be
12 eighty per cent, originates on land, primarily as escaped refuse
13 and litter, much of it plastic, via urban runoff. It is now
14 estimated that 8.75 million metric tons of plastic enter our
15 ocean each year from land-based sources.

16 These land-based plastics degrade into pieces and particles
17 of all sizes, including microplastics, and are present in the



1 world's oceans at all trophic levels. Among other hazards,
2 plastic debris attract and concentrate ambient pollutants like
3 heavy metals and persistent organic pollutants in seawater and
4 freshwater, which can transfer to fish and other seafood that
5 are eventually caught and sold for human consumption.

6 The need for significant change in Hawaii was underscored
7 in 2020, when the United States Environmental Protection Agency
8 found that several of the State's beaches are impaired by trash,
9 with the majority of the pollutants composed of single-use
10 plastics. Although countries, states, and cities around the
11 world have banned some single-use plastics, the plastic
12 pollution problem persists with the rise of certain bioplastics.

13 Not all bioplastics are designed to degrade completely or
14 quickly in the natural environment. While bio-based plastics
15 like polylactic acid and conventional plastics with enhanced
16 degradation are commonly touted as sustainable alternatives to
17 conventional plastics, these products will often only break down
18 and meet compostable requirements when sent to an industrial
19 composting facility.

20 Like conventional plastics, bioplastics are produced in
21 facilities that drive pollution and are likely to end up in



1 landfills and incinerators. Industrial facilities, including
2 those producing bioplastics, are likely to be developed in
3 underserved communities, as are most forms of waste
4 infrastructure. These sites emit dangerous pollutants, reduce
5 overall quality of life, and pose a heightened risk of
6 industrial accidents like fires and explosions.

7 The legislature also finds that cleaning up plastic
8 presents a significant cost to Hawaii taxpayers. The cost of
9 increasing cleanups by government agencies, businesses, and the
10 general public is rising to account for expensive management and
11 mitigation practices. A study of over ninety counties in
12 California concluded that taxpayers are paying \$428,000,000 per
13 year to clean up plastic through storm drain management, street
14 sweeping, and marine cleanups. San Diego county, which has an
15 equivalent population to Hawaii at 1,300,000 people, spends
16 \$14,000,000 annually cleaning up plastic.

17 Alternatives to bioplastics already exist for many take-out
18 items. Zero waste plastic reduction plans are moving forward
19 all over the world, including within the European Union,
20 Ethiopia, Costa Rica, and municipalities across the United
21 States.



1 The purpose of this Act is to phase in a prohibition on the
2 purchase, use, sale, and distribution of disposable or single-
3 use non-compostable plastic food ware and beverage service items
4 by various entities.

5 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§342H- Single-use plastic food ware and beverage
9 service items; prohibited. (a) No business where food or
10 beverages that are packaged and sold on the business' premises
11 for individual consumption shall use, sell, or distribute
12 disposable or single-use plastic food ware, beverage cups, lids,
13 or other food containers after January 1, 2025.

14 (b) The prohibitions in subsection (a) shall not apply to
15 the following:

- 16 (1) Reusable, refillable containers;
- 17 (2) Compostable plastics; provided that:
 - 18 (A) There is regional access to a collection program
19 for those plastics; and
 - 20 (B) A local facility actively accepts, manages, and
21 processes the plastics; and



1 (3) Packaging in any situation deemed by a county to be an
2 emergency requiring immediate action for the
3 preservation of life, health, property, safety, or
4 essential public services. This exemption shall be in
5 place until the emergency has ceased or the governor
6 has determined that the exemption is no longer
7 applicable to the situation.

8 (c) For purposes of this section:

9 "Business" means any commercial enterprise or establishment
10 operating in the State, including an individual proprietorship,
11 joint venture, partnership, corporation, limited liability
12 company, or other legal entity, whether for profit or not for
13 profit, and includes all employees of the business or any
14 independent contractors associated with the business.

15 "Compostable plastics" means products that have been
16 certified by an independent third-party organization to meet
17 ASTM standards D6400 and D6868.

18 "Disposable" means designed to be discarded after a single
19 or limited number of uses and not designed or manufactured for
20 long-term reuse.

21 "Plastic":



1 (1) Means a synthetic or semisynthetic material chemically
2 synthesized by the polymerization of organic
3 substances that can be shaped into various rigid and
4 flexible forms;

5 (2) Includes, without limitation, polyethylene
6 terephthalate, high density polyethylene, polyvinyl
7 chloride, low density polyethylene, polypropylene,
8 polystyrene, polylactic acid, and aliphatic
9 biopolyesters, such as polyhydroxyalkanoate and
10 polyhydroxybutyrate; and

11 (3) Does not include natural rubber, aluminum, glass,
12 paper, bamboo, sugarcane, coconut husk, cassava,
13 polymers such as proteins or starches or other
14 biomass, or reusable containers.

15 "Plastic food ware" means hot and cold beverage cups, cup
16 lids, plates, bowls, bowl lids, "clamshells", trays, or other
17 hinged or lidded containers that contain plastic.

18 "Prepared food" means food or beverages that are prepared
19 to be consumed on or off the premises of a restaurant or food
20 establishment.



1 "Reusable", "refillable", "reuse", or "refill", in regard
2 to packaging or food service ware, means:

3 (1) For packaging or food service ware that is reused or
4 refilled by a producer:

5 (A) Explicitly designed and marketed to be utilized
6 multiple times for the same product, or for
7 another purposeful packaging use in a supply
8 chain;

9 (B) Designed for durability to function properly in
10 its original condition for multiple uses;

11 (C) Supported by adequate infrastructure to ensure
12 the packaging or food service ware can be
13 conveniently and safely reused or refilled for
14 multiple cycles; and

15 (D) Repeatedly recovered, inspected, and repaired, if
16 necessary, and reissued into the supply chain for
17 reuse or refill for multiple cycles; or

18 (2) For packaging or food service ware that is reused or
19 refilled by a consumer:

20 (A) Explicitly designed and marketed to be utilized
21 multiple times for the same product;



- 1 (B) Designed for durability to function properly in
- 2 its original condition for multiple uses; and
- 3 (C) Supported by adequate and convenient availability
- 4 of and retail infrastructure for bulk or large
- 5 format packaging that may be refilled to ensure
- 6 the packaging or food service ware can be
- 7 conveniently and safely reused or refilled by the
- 8 consumer multiple times.

9 "Single-use" means conventionally disposed of after a
10 single use or not sufficiently durable or washable to be, or not
11 intended to be, reusable or refillable."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Disposable and Single-use Plastic Food Ware and Beverage Service Items; Prohibition; Solid Waste; Compostable Plastics

Description:

Prohibits businesses where food or beverages are packaged and sold on the business' premises for individual consumption from using, selling, or distributing certain disposable or single-use food ware and beverage service items after 1/1/2025. Effective 7/1/3000. (HD1)

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