



**Bill 40 Overview**  
**Plastic Container Phase-Out Details and Timeline**

**July 1, 2020**

- **Upon Request:** Business may only provide service ware (1) when requested; (2) when the customer gives an affirmative response when asked; or (3) in a self-service area or dispenser

**January 1, 2021**

- **Plastic Service Ware:** stirrers, straws, baran, and utensils including forks, spoons, sporks, and knives, that contain plastic
  - **Does Not Include / Automatically Exempted:**
    - Items contained within or attached to packaging of food or beverages, such as disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads
    - Straws for the identified medical facilities
- **Polystyrene foam food ware:** hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, egg cartons, or other hinged or lidded containers, that are made of polystyrene foam and used for selling or providing food for consumption on or off the premises of a business
  - **Does Not Include / Automatically Exempted:**
    - Polystyrene foam coolers manufactured for multiple re-use
    - Soup or noodle packaging filled/sealed before receipt by business
    - Packaging for raw meat, poultry, seafood, and eggs

**January 1, 2022**

- **Plastic food ware:** hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, or other hinged or lidded containers that contain plastic and are used for selling or providing food or beverage for consumption on or off the premises of a business
  - **Does Not Include / Automatically Exempted:**
    - "Grab-and-go" foods or beverages (see definition below)
    - "Shelf stable" foods or beverages (see definition below)
    - Plastic condiment packets
    - Food-related bags or wrappers: musubi wraps, plastic film, poi or chip bags, cracker or cookie wrappers, bread bags, or ice bags
    - Beverage-related bottles or cartons
    - Packaging for unprepared food
    - Packaging for prepared food, beverage or dairy products for wholesale distribution
    - Pre-packaged or pre-sealed items typically sold by a business



## **Relevant Definitions**

**"Business"** means any commercial enterprise or establishment operating in the City and County of Honolulu, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

**"Disposable"** means designed for single-use then discarded, and not designed or manufactured to be washed and sanitized or to be used repeatedly over an extended period of time.

**"Grab-and-go"** means foods or beverages that are pre-packaged or pre-sealed in plastic food ware and intended for consumption within three days of preparation and are not shelf stable, including, but not limited to, pre-made sandwiches, desserts, pies, noodles, salads, parfaits, drinks, musubis and bentos.

**"Plastic"** means the same as defined in Section 9-9.1.

**"Plastic food ware"** means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, or other hinged or lidded containers that contain plastic and are used for selling or providing food or beverage for consumption on or off the premises of a business; but the term does not include disposable plastic condiment packets; food-related bags or wrappers, such as musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, or ice bags; beverage-related bottles or cartons; packaging for unprepared food; packaging for prepared food, beverage or dairy products for wholesale distribution; and pre-packaged or pre-sealed items typically sold by a business.

**"Plastic service ware"** means stirrers, straws, bars, and utensils including forks, spoons, sporks, and knives, that contain plastic; but the term does not include items contained within or attached to packaging of food or beverages, such as disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads.

**"Polystyrene foam"** means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expanded bead polystyrene) injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

**"Polystyrene foam food ware"** means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, egg cartons, or other hinged or lidded containers, that are made of polystyrene foam and used for selling or providing food for consumption on or off the premises of a business; but the term does not include polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use, and soup or noodles packaged with polystyrene foam that has been filled and sealed prior to receipt by the business.

**"Shelf Stable"** means food or beverage that is packaged with plastic food ware that can be safely stored at room temperature for a time period exceeding three days.

**"Utensils"** are disposable plastic implements intended to assist in the consumption of food or drink."