

HOLD FOR MEETING  
December 16, 2016 Council meeting

IEM CR 16-204

MAUI COUNTY COUNCIL  
Amendment Summary Form

Legislation:

Bill to restrict the use and sale of polystyrene food service containers in the County of Maui.

Proposer: Don S. Guzman, Council Vice-Chair



Description:

Amend bill to delete from proposed bill regulating polystyrene food service containers an exemption to prohibitions for foods prepared and packaged entirely outside of the County but sold within the County; and to modify the kinds of hardship necessary for an exemption for packaging in situations unique to the food provider, where compliance with the new chapter would cause significant financial hardship.

Motion: Move to amend the proposed bill by:

1. Deleting proposed Maui County Code Section 20.26.050(A), which is the exemption for foods prepared and packaged entirely outside of the County and sold within the County; and
2. Deleting the word "financial" from proposed Maui County Code Section 20.26.050(F).

Effect: The changes are shown as follows, with deleted material bracketed and new material underscored:

**"20.26.050 Exemptions.** A. This chapter shall not apply to any of the following:

A. [Polystyrene food service containers for foods prepared and packaged entirely outside of the County but sold within the County.

B.] Polystyrene food containers used for raw or butchered meats, poultry, fish, or eggs unless provided for consumption without further food preparation (for example, sashimi and poke).

[C] B. Polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use.

[D] C. Foam blocks or pieces used as protective packaging during shipping (for example, packing peanuts).

[E] D. Packaging in situations unique to the type of food, where there are no reasonable alternatives to polystyrene food service containers, provided the food provider applies for an exemption and such exemption is granted by the director.

[F] E. Packaging in situations unique to the food provider, where compliance with this chapter would cause significant [financial] hardship and there is no affordable alternative to polystyrene food service containers, provided the food provider applies for an exemption and such exemption is granted by the director.

[G] F. Packaging in any situation deemed by the County to be an emergency requiring the immediate preservation of life, health, property, safety, or essential public services. This exemption shall be in place until the emergency has ceased or the mayor has determined the exemption is no longer applicable to the situation. food provider where there are no reasonable alternatives to single-use expanded polystyrene food service containers, provided the food provider applies for an exemption and such exemption is granted by the director."

Reasons: The amendment would remove any perception of discrimination against providers of foods prepared and packaged in the County. It also allows an exemption based on a broader range of hardships.