

Disposable Food Ware Ordinance (Ordinance 19-30) Definitions

“Business”

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.

“Catered food”

The provision of prepared food in bulk quantity amounts or multiple servings with the intent for later consumption, or the service of prepared food at a site or event venue.

“Customer”

Any person purchasing prepared food from a food vendor.

“Department”

The Department of Environmental Services (ENV).

“Disposable”

Designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple re-use.

“Food vendor”

Any entity or person selling or providing prepared food for consumption within the City and County of Honolulu, including any store, shop, sales outlet, pharmacy, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, food truck, catering vehicle or cart, roadside stand, or other establishment that sells or provides prepared food for consumption within the city.

"Plastic"

Any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.

“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. The term does not include disposable plastic condiment packets; food-related bags or wrappers, including, but not limited to, musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, meal kits, or ice bags; beverage-related bottles or cartons; non-plastic cups that contain a polyethylene or plastic coating; packaging for unprepared food; and packaging for wholesale distribution of prepared food, baked goods or dairy products.

“Polystyrene foam”

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 does not include clear, solid or oriented polystyrene.

“Polystyrene foam food ware”

Hot and cold beverage cups, cup lids, plates, bowls, bowl lids, “clamshells,” trays, or other hinged or lidded containers, that are made of polystyrene foam; 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 food vendor.

“Prepackaged food”

Prepared food that is sealed, contained, or wrapped in a manner to protect and prevent the prepared food from having any direct human contact, prior to being provided for sale by a food vendor to a customer, including, but not limited to, bentos, kimchi, seaweed salad, takuan, tofu, pre-made sandwiches, desserts, pies, noodles, salads, parfaits, and drinks.

“Prepared food”

Food or beverages that are prepared for consumption on or off the premises of a food vendor, by cooking, chopping, peeling, slicing, mixing, brewing, freezing, squeezing, or otherwise processed at premises owned, leased, or otherwise controlled by the food vendor; but the term does not include raw meat, raw poultry, raw seafood, unprepared produce and uncooked eggs. Prepared food includes restaurant style food and beverages that are packaged after being ordered and ready to be consumed without further preparation.

“Produce”

Any fruit or vegetable including mixes of intact fruits and vegetables and includes mushrooms, sprouts irrespective of seed source, peanuts, tree nuts, beans, honey, and herbs.

“Service ware”

Any stirrers, straws, bars, and utensils including forks, spoons, sporks, and knives; but the term does not include items contained within or attached to packaging of food or beverages, including, but not limited to, disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads.

“Shelf stable food”

Prepared food that can be safely stored at room temperature and does not require refrigeration, freezing, or heating for food safety purposes, prior to purchase by a customer.

“Utensils”

Implements intended to assist in the consumption of food or drink.