



1 "ASTM Standard" means the American Society for Testing and  
2 Materials (ASTM)'s International standard 06400 for compostable  
3 plastic.

4 "Checkout bag" means a carryout bag that is provided by a  
5 store to a customer at the point of sale.

6 "Compostable" means that the product or package meets ASTM  
7 standards for compostablility.

8 "Compostable plastic bag" means a plastic bag that will  
9 break down into, or otherwise become part of, usable compost  
10 (e.g., soil-conditioning material, mulch) in a safe and timely  
11 manner.

12 "Department" means the department of the health.

13 "Director" means the director of health.

14 "Person" means an individual, trust, firm, joint stock  
15 company, corporation, cooperative, partnership, limited  
16 liability company, or association.

17 "Pharmacy" means a retail use where the profession of  
18 pharmacy by a pharmacist licensed by the State is practiced and  
19 where prescriptions (and possibly other merchandise) are offered  
20 for sale, excluding those retail uses located inside a hospital.

21 "Recyclable" means material that can be sorted, cleansed,  
22 and reconstituted available recycling collection programs for



1 the purpose of using the altered form in the manufacture of a  
2 new product. Recycling does not include burning, incinerating,  
3 converting, or otherwise thermally destroying solid waste.

4 "Recyclable paper bag" means a paper bag that meets all of  
5 the following requirements:

- 6 (1) Contains no old growth fiber;
- 7 (2) Is 100 per cent recyclable overall and contains a  
8 minimum of 40 per cent post-consumer recycled content;  
9 and
- 10 (3) Displays the words "Reusable" and "Recyclable" in a  
11 highly visible manner on the outside of the bag.

12 "Reusable bag" means a bag with handles that is  
13 specifically designed and manufactured for multiple reuse and  
14 is:

- 15 (1) Made of cloth or other machine washable fabric;
- 16 (2) Made of durable plastic that is at least 2.25 mils  
17 thick; or
- 18 (3) Both.

19 "Store" means a retail establishment located within the  
20 State that meets either of the following requirements:

- 21 (1) Is a full-line, self-service supermarket with gross  
22 annual sales of not less than \$2,000,000, and which



1            sells a line of dry grocery, canned goods, or nonfood  
2            items and some perishable items; or

3            (2) Is a retail pharmacy with at least five locations  
4            under the same ownership within the State.

5            **§342H-B Mandatory use of recyclable and compostable**

6 **checkout bags.** (a) All stores shall provide only the following  
7 as checkout bags to customers: recyclable paper bags,  
8 compostable plastic bags, or reusable bags, or both.

9            (b) Violation of the requirements of subsection (a) shall  
10 subject a store to penalties set forth in this part or as  
11 established by rule pursuant to this part.

12            (c) Nothing in this section shall be read to preclude  
13 stores from making reusable bags available for sale to  
14 customers.

15            **§342H-C Implementation.** The director shall adopt rules  
16 under chapter 91 necessary for the purpose of this part.

17            **§342H-D Enforcement and penalties.** Violation of section  
18 342H-B shall constitute a violation as defined in section 701-  
19 107 and shall be enforceable by police officers. Any person who  
20 violates section 342H-B shall be subject to:

21            (1) For a first violation, a fine of not more than \$100;



1 (2) For a second violation within one year, a fine of not  
2 more than \$200; and

3 (3) For a third or subsequent violation within one year, a  
4 fine of not more than \$500.

5 **§342H-E Administrative penalties.** In addition to any  
6 other administrative or judicial remedy provided by this part or  
7 by rules adopted under this part, the director is authorized to  
8 impose by order the following administrative penalties:

9 (1) For a first violation, a fine of not more than \$200;

10 (2) For a second violation within one year, a fine of not  
11 more than \$400; and

12 (3) For a third or subsequent violation within one year, a  
13 fine of not more than \$600.

14 **§342H-F Injunctive and other relief.** The director may  
15 institute a civil action in any court of competent jurisdiction  
16 for injunctive and other relief to prevent any violation of this  
17 part, any rule adopted pursuant to this part, to collect  
18 administrative penalties, or to obtain other relief. The court  
19 shall have power to grant relief in accordance with the Hawaii  
20 rules of civil procedure."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 4. Nothing in this Act shall be interpreted or  
5 applied so as to create any requirement, power, or duty in  
6 conflict with any federal or state law.

7 SECTION 5. In codifying the new sections added by section  
8 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11 SECTION 6. This Act shall take effect on January 1, 2010.  
12

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**Report Title:**

Environmental Protection

**Description:**

Requires retailers in the State to distribute only recyclable, reusable, or compostable checkout bags.

