

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1           SECTION 1. The legislature finds that petroleum- and  
2 fossil-fuel based plastic shopping bags provided to customers by  
3 retail stores, restaurants, grocery stores, and supermarkets are  
4 a hazard to the natural environment. Plastic takes decades to  
5 break down, the damage to the natural environment can be  
6 especially long lasting.

7           Plastic shopping bags require fossil-fuel to manufacture,  
8 contribute to litter, crowd landfills with nonbiodegradable  
9 waste, and are dangerous to wildlife. Plastic shopping bags are  
10 extremely aerodynamic, even when properly disposed of, they  
11 often pollute surrounding areas by blowing out of trash  
12 receptacles and landfills.

13           Plastic shopping bags that enter the ocean pose hazards to  
14 marine life and contribute to the pollution of the ocean. Sea  
15 turtles mistake clear plastic bags for jellyfish. Birds swallow  
16 indigestible shards of plastic, which may become lodged in their  
17 stomachs, ultimately causing death.



1           Currently, scientists are monitoring a patch of pollution,  
2 consisting mainly of discarded plastic, floating in the Pacific  
3 Ocean between Hawaii and San Francisco. Covering an area twice  
4 the size of Texas, it is estimated to weigh about three million  
5 tons. It has been discovered that per cubic meter of sea water  
6 there are more tiny bits of plastic by weight than plankton in  
7 this area. Petroleum- and fossil-fuel based plastic grocery  
8 bags are one source of this pollution and their continued use  
9 adds to the contamination.

10           The legislature also finds that there are efforts to  
11 discourage or ban the use of plastic shopping bags in many  
12 international cities and countries, including Australia,  
13 Denmark, Paris, South Africa, Ireland, Switzerland, Zanzibar,  
14 Bangladesh, and Rwanda. Domestically, the cities of San  
15 Francisco and Oakland have implemented ordinances banning the  
16 use of petroleum- and fossil-fuel based plastic grocery bags by  
17 large stores. Furthermore, many cities in the United States,  
18 such as Boston, Baltimore, Berkeley, Portland, and Santa Monica,  
19 are considering measures to prohibit or limit the use of  
20 petroleum- and fossil-fuel based plastic shopping bags.

21           Hawaii has an interest in protecting its natural  
22 environment and decreasing the amount of waste flowing into its



1 landfills. Therefore, it is natural for Hawaii to follow the  
2 emerging international and domestic trend to ban the use of  
3 petroleum- and fossil-fuel based plastic shopping bags.

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

7 "§342G- Prohibition on plastic shopping bags. (a) No  
8 retail establishment located or doing business in the State  
9 shall give, provide, or make available plastic shopping bags to  
10 consumers.

11 (b) To allow for the use of the existing supply of plastic  
12 shopping bags, this section shall be fully implemented by  
13 January 1, 2010.

14 (c) The enforcement and penalties provisions of part VI  
15 shall apply to this section.

16 (d) The following are exempt from this section:

17 (1) Shopping bags produced entirely from non-petroleum-  
18 based biodegradable plastic; and

19 (2) Additional exemptions established by the department in  
20 accordance with chapter 91.

21 (e) The department may issue category variances for the  
22 following products:



- 1        (1) Raw meat, poultry, or fish;
- 2        (2) Frozen foods;
- 3        (3) Fresh produce; and
- 4        (4) Prepared meals in takeout containers;
- 5        (f) As used in this section, unless the context requires
- 6 otherwise:

7        "Biodegradable plastic" means plastic made of cellulose-  
8 based or other substances that undergo significant changes in  
9 their chemical structure as a result of the action of naturally  
10 occurring microorganisms such as bacteria, fungi, and algae.  
11 The ultimate products of this process should be carbon dioxide,  
12 water, or compost (humus). This biodegradation process shall  
13 not generate any intermediate or final products that would be  
14 detrimental to public health.

15        "Retail establishment" means a place where goods, food,  
16 food products, wares, or products are offered to the public for  
17 sale or lease, including but not limited to supermarkets,  
18 grocery, and retail merchandise stores. "Retail establishment"  
19 shall also include, but not be limited to, any place where food  
20 is prepared, mixed, cooked, baked, smoked, preserved, bottled,  
21 packaged, handled, stored, manufactured, and sold or offered for



1 sale to the ultimate consumer, including but not limited to  
2 restaurants and dining areas.

3 "Shopping bag" means any container distributed to consumers  
4 at the point of sale at a retail establishment intended for use  
5 in the transport of purchased or acquired items."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

4th. 8th

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**Report Title:**

Prohibition; Plastic Shopping Bags

**Description:**

Prohibits distribution of plastic shopping bags by retail stores and supermarkets in the State of Hawaii.

