

JAN 23 2009

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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 and 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, and as a  
11 consequence, often pollute surrounding areas by blowing out of  
12 trash 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. Covering an area twice the size of Texas, it is  
4 estimated to weigh about three million tons. It has been  
5 discovered that per cubic meter of sea water there are more tiny  
6 bits of plastic by weight than plankton in this area.  
7 Petroleum- and fossil fuel-based plastic grocery bags are one  
8 source of this pollution and their continued use adds to the  
9 contamination.

10           The legislature also finds that there are efforts to  
11 discourage the use of plastic shopping bags through plastic bag  
12 taxes or legislative bans in many international cities and  
13 countries, including Australia, Bangladesh, China, Denmark,  
14 Ireland, Paris, Rwanda, South Africa, Switzerland, and Zanzibar.  
15 Domestically, the cities of San Francisco and Oakland have  
16 implemented ordinances banning the use of petroleum- and fossil  
17 fuel-based plastic grocery bags by large stores.

18           In Hawaii, the county of Maui has banned the use of plastic  
19 shopping bags and the county of Hawaii has considered a ban.  
20 Many other cities in the United States, such as Berkeley,  
21 Boston, Portland, and Santa Monica, are also considering



1 measures to prohibit or limit the use of petroleum- and fossil  
2 fuel-based plastic shopping bags.

3 The State has an interest in protecting its natural  
4 environment and decreasing the amount of waste flowing into its  
5 landfills. Therefore, it is logical for the State to follow the  
6 emerging international and domestic trend to ban the use of  
7 petroleum- and fossil fuel-based plastic shopping bags.

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

11 "§342G- Prohibition on plastic shopping bags. (a)  
12 Effective January 1, 2011, no retail establishment located or  
13 doing business in the State shall give, provide, or make  
14 available plastic shopping bags to consumers.

15 (b) Nothing in subsection (a) shall prohibit a retail  
16 establishment from complying with the requirements of subsection  
17 (a) prior to January 1, 2011.

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

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

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



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

3        (e) The department may issue category variances for the  
4        following products:

5        (1) Raw meat, poultry, or fish;

6        (2) Frozen foods;

7        (3) Fresh produce; and

8        (4) Prepared meals in takeout containers;

9        (f) As used in this section, unless the context requires  
10       otherwise:

11       "Biodegradable plastic" means plastic made of cellulose-  
12       based or other substances that undergo significant changes in  
13       their chemical structure as a result of the action of naturally  
14       occurring microorganisms such as bacteria, fungi, and algae.

15       The ultimate products of this process should be carbon dioxide,  
16       water, or compost (humus). This biodegradation process shall  
17       not generate any intermediate or final products that would be  
18       detrimental to public health.

19       "Retail establishment" means a place where goods, food,  
20       food products, wares, or products are offered to the public for  
21       sale or lease, including but not limited to supermarkets,  
22       grocery, and retail merchandise stores. "Retail establishment"



1 shall also include, but not be limited to, any place where food  
 2 is prepared, mixed, cooked, baked, smoked, preserved, bottled,  
 3 packaged, handled, stored, manufactured, and sold or offered for  
 4 sale to the ultimate consumer, including but not limited to  
 5 restaurants and dining areas.

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

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2009.

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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.

