
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. Chapter 342H, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . DISPOSABLE CHECKOUT BAG OFFSET FEE**

5 **§342H-A Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "Business" means any commercial enterprise or
8 establishment, including sole proprietorships, joint ventures,
9 partnerships, and corporations, or any other legally cognizable
10 entity, whether for profit or not for profit, and includes all
11 employees of the business or any independent contractors
12 associated with the business.

13 "Department" means the department of health.

14 "Director" means the director of health.

15 "Disposable checkout bag":

16 (1) Means a bag made of plastic, other than plastic
17 greater than 2.25 millimeters thick, whether
18 recyclable or non-recyclable, that is provided by a



1 business to a customer, and is designed for one-time
2 use to transport; and

3 (2) Does not include:

4 (A) Bags used by customers inside a business to
5 package bulk items such as fruits, vegetables,
6 nuts, grains, candies, or small hardware items;

7 (B) Bags used to contain or wrap frozen foods, meat
8 or fish, flowers or potted plants, or other items
9 to contain dampness;

10 (C) Bags used to protect prepared foods or bakery
11 goods;

12 (D) Bags provided by pharmacists to contain
13 prescription medications;

14 (E) Newspaper bags;

15 (F) Door hanger bags;

16 (G) Laundry or dry cleaning bags; or

17 (H) Bags sold in packages containing multiple bags
18 intended for use as garbage, pet waste, or yard
19 waste bags.

20 "Reusable bag" means a bag with handles that is
21 specifically designed and manufactured for multiple reuse and
22 is:



- 1 (1) Made of cloth or other machine washable fabric; or
- 2 (2) Made of other durable material suitable for re-use,
- 3 including plastic that is at least 2.25 millimeters
- 4 thick.

5 **§342H-B Distribution of disposable checkout bags; offset**

6 **fee.** (a) Beginning January 1, 2011, all businesses in the
7 State shall charge and collect an offset fee of 20 cents for
8 each disposable checkout bag that is provided to customers.

9 (b) Businesses subject to the requirements of this part
10 shall indicate on each customer transaction receipt the number
11 of disposable checkout bags provided and the amount of the
12 offset fee charged.

13 (c) Nothing in this part shall preclude businesses from
14 making reusable bags available for sale to customers.

15 **§342H-C Remittance of offset fees.** (a) No later than the

16 fifteenth day of each month, each business subject to the
17 requirements of this part shall remit to the department the
18 offset fees collected pursuant to section 342H-B during the
19 previous month. Payments and receipts shall be reported on
20 forms prescribed by the director and containing information as
21 deemed necessary for the proper administration of this part.



1 (b) Businesses shall be subject to penalties and interest
2 for late or underpaid offset fees.

3 (c) All offset fees collected by the department pursuant
4 to this part shall be deposited into the general fund.

5 §342H-D Violations. It shall be a violation of this part
6 for any business that is subject to the requirements of this
7 part to pay or otherwise reimburse a customer for any portion of
8 the offset fee.

9 Violations of this part or any rule adopted pursuant to
10 this part shall be subject to a fine of not less than \$1,000 for
11 each violation.

12 §342H-E Rules. The director shall adopt rules, pursuant
13 to chapter 91, as may be necessary for the purposes of this
14 part."

15 SECTION 2. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 3. This Act shall take effect on July 1, 2010.

20

Denny Coffman

INTRODUCED BY:

SAO Ag

Mark Hershman

A.C. Cook-Gaza

James W. O'Keefe



Jessica Wally

[Signature]

Report Title:

Environmental Protection; Plastic Checkout Bags; Offset Fee

Description:

Requires businesses in the State to collect an offset fee for each plastic disposable checkout bag distributed to customers.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

