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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that single-use plastic  
2 and paper checkout bags present a hazard to the environment.  
3 Single-use checkout bags are not only a source of unsightly  
4 litter, they are a significant source of environmental  
5 degradation that crowds landfills with non-biodegradable waste,  
6 pollutes the oceans, endangers marine life, requires fossil  
7 fuels to manufacture, and in the case of paper bags, contributes  
8 to deforestation.

9           Around the world, plastic pollution contributes to clogged  
10 waterways and damaged marine ecosystems and eventually finds its  
11 way into the oceans through storm drains and watersheds.

12 Polyethylene, or polythene, is the most widely used plastic,  
13 with an annual production of approximately eighty million metric  
14 tons. Polyethylene is primarily used for packaging materials  
15 and is the most common material for plastic shopping bags.

16 Commercial polyethylene is not considered to be biodegradable,  
17 and most commercial polyethylene waste ends up in landfills or  
18 the oceans. Once in the ocean, polyethylene plastic products



1 float on the surface where, over time, sunlight and wave action  
2 cause them to break into smaller particles, but they never  
3 disappear entirely. Plastic bags and other plastic pollution  
4 pose a particular hazard for Hawaii's environment and marine  
5 wildlife. The "Great Pacific Garbage Patch", a giant  
6 concentration of floating marine debris twice the size of Texas,  
7 moves seasonally with the currents in the north Pacific Ocean  
8 and frequently deposits plastic bags and other debris on the  
9 Northwest Pacific Islands and on the main islands of Hawaii.

10 The legislature further finds that the State has a  
11 compelling interest in protecting its precious natural  
12 environment by decreasing the amount of waste that flows into  
13 its landfills. This Act follows the lead of several cities and  
14 counties in the United States and several foreign countries that  
15 have adopted laws that discourage the use of non-biodegradable  
16 plastic and non-recyclable paper checkout bags. Because  
17 Hawaii's economy, culture, and the livelihood of its people  
18 depend heavily on preserving its natural environment, the  
19 legislature finds that the State will benefit by encouraging the  
20 use of reusable shopping bags.

21 The purpose of this Act is to reduce the state's production  
22 of waste and the negative impact on the environment by



1 establishing a disposable bag offset fee. The Act, however,  
2 does not apply to all businesses or prohibit all plastic bag  
3 distribution.

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

7 "PART . DISPOSABLE BAG OFFSET FEE

8 §342H- Definitions. As used in this part, unless the  
9 context otherwise requires:

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

16 "Director" means the director of health.

17 "Disposable checkout bag":

18 (1) Means a bag made of paper or plastic, other than  
19 plastic greater than 2.25 millimeters thick, whether  
20 recyclable or non-recyclable, that is provided by a  
21 business to a customer, and is designed for one-time  
22 use to transport merchandise; and



1 (2) Does not include:

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

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

8 (C) Bags used to protect prepared foods or bakery  
9 goods;

10 (D) Bags provided by pharmacists to contain  
11 prescription medications;

12 (E) Newspaper bags;

13 (F) Door hanger bags;

14 (G) Laundry or dry cleaning bags; or

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

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

21 (1) Made of cloth or other machine washable fabric; or



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1 (2) Made of other durable material suitable for re-use,  
2 including plastic that is at least 2.25 millimeters  
3 thick.

4 §342H- Distribution of disposable checkout bags; offset  
5 fee. (a) Beginning January 1, 2011, all businesses in the  
6 state shall charge and collect an offset fee of 10 cents for  
7 each disposable checkout bag that is provided to customers.

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

12 §342H- Distribution of disposable newspaper and laundry  
13 or dry cleaning bags; offset fee. (a) Beginning December 21,  
14 2012, all businesses in the state shall charge and collect an  
15 offset fee of 10 cents for each disposable newspaper bag and  
16 laundry or dry cleaning bag that is provided to customers.

17 (b) Businesses subject to the requirements of this part  
18 shall indicate on each customer transaction receipt the number  
19 of disposable checkout bags provided and the amount of the  
20 offset fee charged.



1           **§342H- Reusable bags.** Nothing in this part shall  
2 preclude businesses from making reusable bags available for sale  
3 to customers.

4           **§342H- Use of offset fees.** The offset fees shall be  
5 retained by the businesses and be used solely to educate  
6 consumers on recycling and reuse.

7           **§342H- Violations.** It shall be a violation of this part  
8 for any business subject to the requirements of this part to pay  
9 or otherwise reimburse a customer for any portion of the offset  
10 fee.

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

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

17           SECTION 3. This Act shall take effect on January 1, 2011.



**Report Title:**

Environmental Protection; Plastic Checkout Bags; Offset Fee

**Description:**

Requires businesses in the State to collect an offset fee for each plastic or paper disposable checkout bag newspaper bag, and laundry or dry cleaning bag distributed to customers. Effective January 1, 2011. (HB2125 HD2)

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

