
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 checkout bag offset fee. The Act,
2 however, does not apply to all businesses or prohibit all
3 plastic bag 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 CHECKOUT BAG OFFSET FEE

8 §342H-A 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, and includes all employees of the business or any
14 independent contractors associated with the business.

15 "Disposable checkout bag":

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

21 (2) Does not include:



- 1 (A) Bags used by customers inside a business to
2 package bulk items such as fruits, vegetables,
3 nuts, grains, candies, or small hardware items;
- 4 (B) Bags used to contain or wrap frozen foods, meat
5 or fish, flowers or potted plants, or other items
6 to contain dampness;
- 7 (C) Bags used to protect prepared foods or bakery
8 goods;
- 9 (D) Bags provided by pharmacists to contain
10 prescription medications;
- 11 (E) Newspaper bags;
- 12 (F) Door hanger bags;
- 13 (G) Laundry or dry cleaning bags, including bags
14 provided by hotels to guests to contain wet or
15 dirty clothing;
- 16 (H) Bags sold in packages containing multiple bags
17 intended for use as garbage, pet waste, or yard
18 waste bags; or
- 19 (I) Bags used to contain live animals, such as fish
20 or insects sold in pet stores.



1 "Reusable bag" means a bag with handles that is
2 specifically designed and manufactured for multiple reuse and
3 is:

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

8 §342H-B Distribution of disposable checkout bags; offset
9 fee. (a) Beginning January 1, 2011, all businesses in the
10 State shall charge and collect an offset fee of five cents for
11 each disposable checkout bag that is provided to customers.

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

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

18 §342H-C Remittance of offset fees. (a) Not later than
19 the fifteenth day of each month, each business subject to the
20 requirements of this part shall remit to the department an
21 amount equal to sixty per cent of the offset fees collected
22 pursuant to section 342H-B during the previous month; provided



1 that the portion of offset fees retained by a business shall be
2 considered taxable revenue. Payments and receipts shall be
3 reported on forms prescribed by the director and containing
4 information as deemed necessary for the proper administration of
5 this part.

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

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

10 §342H-D Violations. It shall be a violation of this part
11 for any business that is subject to the requirements of this
12 part to pay or otherwise reimburse a customer for any portion of
13 the offset fee.

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

17 §342H-E Preemption. The provisions of this part shall
18 preempt the powers of any county to regulate the use of
19 disposable checkout bags.

20 §342H-F Rules. The director shall adopt rules, pursuant
21 to chapter 91, as may be necessary for the purposes of this
22 part."



1 SECTION 3. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 4. This Act shall take effect on July 1, 2010.



Report Title:

Environmental Protection; Plastic Checkout Bags; Offset Fee

Description:

Requires businesses in the State to collect a 5 cent offset fee for each plastic or paper disposable checkout bag provided to a customer. Allocates the offset fee: 2 cents to the business and 3 cents to the general fund. Effective 7/1/2010.

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

