
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, 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 "Disposable checkout bag":

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



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

14 **§342H-C Remittance of offset fees.** (a) Not later than
15 the fifteenth day of each month, each business subject to the
16 requirements of this part shall remit to the department an
17 amount equal to forty per cent of the offset fees collected
18 pursuant to section 342H-B during the previous month; provided
19 that any portion of offset fees retained by a business shall be
20 considered taxable revenue. Payments and receipts shall be
21 reported on forms prescribed by the director and containing



1 information as deemed necessary for the proper administration of
2 this part.

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

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

7 **§342H-D Violations.** It shall be a violation of this part
8 for any business that is subject to the requirements of this
9 part to pay or otherwise reimburse a customer for any portion of
10 the offset 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-E 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. In codifying the new sections added by section
18 3 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

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



Report Title:

Environmental Protection; Plastic Bags; Prohibited

Description:

Requires businesses in the State to charge and collect a 5-cent offset fee for each 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. (PROPOSED SB2559 HD1)

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

