
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 forty 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 provision 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 3 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: 3 cents to the business and 2 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.



Cyndi Apana

Master 1 - Printshop

SB2559

From: ENETestimony
Sent: Friday, March 12, 2010 10:54 AM
To: EEPtestimony
Subject: FW: Bill # SB2559 hearing date 3/16/10

3

Room 012B

Date 3/12

Time 1744

Cat AF AS AX B

Type 1 2 WI 0

-----Original Message-----

From: Katherine Killebrew [mailto:katyek@mac.com]
Sent: Friday, March 12, 2010 7:44 AM
To: ENETestimony
Subject: Bill # SB2559 hearing date 3/16/10

aloha,

I'm writing in support of SB 2559. There is so much plastic pollution in the ocean and on the surrounding shorelines. It interferes with the natural evolution of marine wildlife. Please take this step toward cleaning up our island home. Stop referring to it as "marine debris" and call it as it is...PLASTIC POLLUTION...

thank you,
katye killebrew
www.plasticpollutioncoalition.org

Katye Killebrew
2140 Aha Niu Place
Honolulu, Hawaii 96821
808-734-3499 Home
808-864-6281 Cell
katyek@mac.com

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 12, 2010 1:55 PM
To: EEPtestimony
Cc: kauaibrad@hotmail.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB2559

Date 3/12

Time 1355-

Cat- AF AS AX

Type 1 2 WI

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559.

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Brad Parsons
Organization: Aloha Analytics
Address:
Phone:
E-mail: kauaibrad@hotmail.com
Submitted on: 3/12/2010

Comments:

Aloha Representatives:

We support SB 2559 whether it be as a plastic bag ban or as a modest fee on paper and plastic bags. We recognize the intended goals to be met by this bill are two part: 1) Eventual reduction in the use of environmentally unhealthy, non-biodegradable plastic and resource depleting paper bags. and 2) Fiscal revenue generation for the State and merchants during this difficult time of transition.

We consider a modest fee to mean anything between 5 and 10 cents per bag. And we view it as generous that 40% of that may be retained by the collecting merchant with 60% going to the State, thereby making this proposal acceptable to merchants as they have testified.

By our calculations there are about 300 million single use bags distributed on Oahu per year and as many as 400 million statewide. At only 5 cents a bag that's as much as \$20 million to be collected each year and split between the State and merchants.

Elsewhere a 15 cent fee per bag has dropped demand for single-use bags by 90%. We believe a 10 cent fee per bag would drop demand for single-use bags by as much as 50% and that a 5 cent fee per bag will likely drop demand for plastic/paper bags by substantially less than 50%.

As a result, we believe that useful revenue will be generated by a fee of 5 to 10 cents, but that significant reduction in demand for single-use bags in Hawaii is less likely with a 5 cent fee and more likely with a 10 cent fee.

Either way, this bill should be a responsible and palatable revenue generator of between \$20 to \$40 million to be split as you see fit. Those are significant revenue and reasons to keep this bill moving forward.

One last point. We do not see an incompatibility between this bill in current form and two pending passed ordinances on the Neighbor Islands. In fact, they allow for fees to be charged. Therefore, we believe Counties that have already acted proactively on this matter should be *respected* and that their actions not be altered with this bill.

Mahalo,
Brad Parsons,

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 12, 2010 6:37 PM
To: EEPtestimony
Cc: mekpgc@aol.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB 2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/12

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Paul Carpenter
Organization: Individual
Address: 287 E.18th St., Apt.6C Brooklyn, New York 11226
Phone: 718 208 4516
E-mail: mekpgc@aol.com
Submitted on: 3/12/2010

Time 1837

Cat AF AS AX B

Type 1 2 WI 0

Comments:

Here in Brooklyn, the New York Borough famous for its trees, it is becoming increasingly difficult to find one without at least a few plastic bags attached to its branches. I hope this bill will inspire yet further legislation targeting this environmental disaster since it has become abundantly evident that the general public is unwilling to make the slightest effort to ease the problem.

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 13, 2010 2:21 PM
To: EEPtestimony
Cc: danamariakai@hotmail.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/13

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Dana Richardson
Organization: Individual
Address: PO Box 4462 Kailua Kona, HI
Phone:
E-mail: danamariakai@hotmail.com
Submitted on: 3/13/2010

Time 1421

Cat ~~AF AS AX~~ **B** (1)

Type 1 2 WI (0)

Comments:
please ban the use of single plastic bags they are devastating to our environment and especially the marine life! We can survive using re-usable bags *

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 14, 2010 8:35 AM
To: EEPtestimony
Cc: bob.gould@stanfordalumni.org
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/11

Time 8:35

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Gould
Organization: Individual
Address: 44-365 Kaneohe Bay Dr. Kaneohe, HI
Phone: 808-254-5242
E-mail: bob.gould@stanfordalumni.org
Submitted on: 3/14/2010

Cat AF AS AX

Type 1 2 WI

Comments:

I think this bill is misguided in its entirety. Outlawing the distribution of plastic shopping bags will only raise costs. It will not stop the proliferation of bags in landfills because most people reuse the shopping bags to hold trash, and they will then just have to purchase plastic bags for their trash again, raising their costs even more.

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 14, 2010 9:22 AM
To: EEPtestimony
Cc: gretchen.gould@stanfordalumni.org
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB 2559

Date 3/14

Time 9:22

Cat ~~AF~~ AS AX **(B)**

Type 1 2 WI 0

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Gretchen Gould
Organization: Individual
Address: 44-365 Kaneohe Bay Dr. Kaneohe, HI
Phone: 808-254-5242
E-mail: gretchen.gould@stanfordalumni.org Submitted on: 3/14/2010

Comments:
NO, do not pass this bill. We already have positive incentives and people are beginning to follow them. This is just another scam to make money and I resent you pretending it is green
Gretchen Gould, Kaneohe

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 14, 2010 5:28 PM
To: EEPtestimony
Cc: lisahuyn@gmail.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/14

Time 1728

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Lisa Eller
Organization: Individual
Address:
Phone:
E-mail: lisahuyn@gmail.com
Submitted on: 3/14/2010

Cat AF AS AX

Type 1 2 WI 0

Comments:

Marine debris not only negatively impact Hawaii's economy by degrading its precious natural resources but also threatens the health of the Northwestern Hawaiian Islands. This debris gathers in large amounts around the islands, where they can harm and kill the island's marine species. I support this bill as a small, manageable step toward lessening the marine debris we send to the ocean.

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 6:26 AM
To: EEPtestimony
Cc: hawaii@claudiaferrari.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/15

Time 626

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Claudia Ferrari
Organization: Individual
Address: P.O.Box 643 Haleiwa, HI
Phone: 8086380605
E-mail: hawaii@claudiaferrari.com
Submitted on: 3/15/2010

Cat AF AS AX

Type 1 2 WI

Comments:

I am a North Shore resident and I frequent the beach everyday.
There is not ONE DAY that I don't pick up plastic bags flying all over the beach.
It is sad how many bags are flying around and end up at the beach.
Mostly bags flying around are from Foodland.
The trash pick up on the North Shore is quite awful too, Everyday there is overflowing trash cans with flying trash around.
Please, consider to ban the plastic bags on the North Shore or enforce them to use a biodegradable bags.
Mahalo for your time.

Cyndi Apana

From: ENETestimony
Sent: Monday, March 15, 2010 9:52 AM
To: EEPtestimony
Subject: FW: SB2559 Hearing 3/16/10

Date 3/15

Time 9:52

Cat AF AS AX **B**

Type 1 2 WI **0**

From: NW Womens Surfcamps [mailto:surfcamps@freedomnw.com]
Sent: Friday, March 12, 2010 9:11 AM
To: ENETestimony
Subject: SB2559 Hearing 3/16/10

Please submit as testimony in support of the Plastic Bag Bill.

I live in Seaside, Oregon, along the north coast here. I lived in Hawaii for 7 years, along the north shore there. I bring Retreats to Kauai in April, sharing with women the beauty of the islands. I've been a supporting member of a group here in Oregon, called Coastwatch. They are a sister group of the Oregon Shores Conservation Coalition. These two non-political conservation groups have spent years taking actions to preserve the beauty of the Oregon Coast. One huge part of them is our Adopt a Beach program. Individuals and groups can adopt their own mile and steward it in many faceted ways. We seasonally walk our mile and prepare an observation report, then submit for compilation with Coastwatch for community and legislative actions. Plastic pollution is one of the priorities we as beach stewards are monitoring. In the 15+ years walking my mile here, the plastic pollution of bags, containers, plastic objects and plastic floats has easily tripled. Just walking along the open beaches daily in Seaside, I can easily collect a large bag of plastic and garbage. Most of this plastic debris will simply be sucked back into the ocean, where it threatens bird, fish and mammals habitat and survival, which ultimately effects ours as humans. The health of our oceans needs to be a priority for all of us. Putting a 5 cent tax on plastic bags in Hawaii will have several positive results- first, citizens and visitors will either start bringing in their own bags to use or they will ask not to have their items bagged. Second, the millions of plastic bags used each year in Hawaii will dramatically drop, reducing plastic pollution on land, beaches and in the ocean, the expense of recycling all the plastic bags will drop dramatically, and the expense of disposing of plastic through waste management with our precious landfill will be reduced. Third, once citizens change this simple habit, they will discover other means to reduce plastic garbage in their lives. It's this critical awareness by all of our citizens that will person by person eliminate the scourge of plastic bags in the Hawaiian Islands beautiful landscapes and environment. Please pass this plastic bag tax and let's all reduce our personal and business uses of plastic bags! Thank you, Lexie Hallahan, Director NWWSC

Lexie Hallahan
Director NWWSC
Cell: 503-440-5782
Land: 503-738-0758
<http://www.nwwomenssurfcamps.com>
"Let the beauty you love be what you do"

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 11:34 PM
To: EEPtestimony
Cc: rob@electronicinsight.com
Subject: Testimony for SB2559 on 3/16/2010 10:30:00 AM

Bill No. SB 2559

Testimony for EEP/EBM 3/16/2010 10:30:00 AM SB2559

Date 3/15

Time 2334

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Robert Barreca
Organization: Surfrider Foundation
Address: 3535 Maluhia St Honolulu, HI
Phone: 808-224-1905
E-mail: rob@electronicinsight.com
Submitted on: 3/15/2010

Cat-AF AS AX B

Type 1 (2) WI

Comments:

I support a 5 cent (or even 10 cent) fee on single-use plastic/paper bags. Single-use bags are bad because they...

- clog our landfills,
- blow into the ocean and kill turtles/whales,
- photodegrade but never biodegrade, leaving small bits of plastic in our ocean that absorb toxic chemicals and then those bits end up in our food chain
- take petroleum (for plastic) or trees (for paper) to produce, and more.

A consumer fee will still allow people who really need to use plastic bags, but for those that don't they can purchase a reusable bag that costs 99 cents! Please support this bill.