
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 . SINGLE-USE CHECKOUT BAG 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, and includes all employees of the business or any
11 independent contractors associated with the business.

12 "Reusable bag" means a bag with handles that is
13 specifically designed and manufactured for multiple reuse and
14 is:

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

18



1 "Single-use checkout bag":

2 (1) Means a bag made of plastic that is less than 2.25
3 mils thick, or a paper package or sack, whether
4 recyclable or non-recyclable, that is provided by a
5 business to a customer, and is designed for one-time
6 use to contain and transport merchandise; and

7 (2) Does not include:

8 (A) Bags used by customers inside a business to
9 package loose items, such as fruits, vegetables,
10 nuts, grains, or candies, or small hardware
11 items;

12 (B) Bags used to contain or wrap frozen foods, meat
13 or fish, flowers or potted plants, or other items
14 to contain dampness;

15 (C) Bags used to protect or transport prepared foods
16 or bakery goods;

17 (D) Bags provided by pharmacists to contain
18 prescription medications;

19 (E) Newspaper bags;

20 (F) Door-hanger bags;



- 1 (G) Laundry or dry cleaning bags, including bags
2 provided by hotels to guests to contain wet or
3 dirty clothing;
- 4 (H) Bags sold in packages containing multiple bags
5 intended for use as garbage, pet waste, or yard
6 waste bags; or
- 7 (I) Bags used to contain live animals, such as fish
8 or insects sold in pet stores.

9 **§342H-B Distribution of single-use checkout bags; fee.**

10 (a) Beginning January 1, 2012, all businesses in the State
11 shall charge and collect a fee of 5 cents for each single-use
12 checkout bag that is provided to customers.

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

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

19 (d) A business may retain 20 per cent of the fees
20 collected as revenue that shall be subject to income taxes;
21 provided that the fee shall not be subject to chapter 237.



1 **§342H-C Remittance of fees.** (a) Not later than the
2 fifteenth day of each month, each business subject to the
3 requirements of this part shall remit to the department the fees
4 collected pursuant to section 342H-B during the immediately
5 previous month.

6 (b) Payments and receipts of fees shall be reported on
7 forms prescribed by the director.

8 (c) Businesses shall be subject to penalties and interest
9 for late or underpaid fees.

10 (d) All fees collected by the department pursuant to this
11 part shall be deposited into the general fund.

12 **§342H-D Violations.** It shall be a violation of this part
13 for any business that is subject to the requirements of this
14 part to pay or otherwise reimburse a customer for any portion of
15 the fee required to be charged and collected pursuant to section
16 342H-B.

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

20 **§342H-E Preemption.** Except for any county ordinance
21 regulating single-use checkout bags in effect prior to the
22 effective date of this part, this part shall preempt the powers



1 of any county to regulate the use of single-use checkout bags;
2 provided that in counties where an ordinance regulating single-
3 use checkout bags is in effect, the fee established under
4 section 342H-B shall be applicable only to single-use checkout
5 bags made of paper.

6 **§342H-F Rules.** The director shall adopt rules, pursuant
7 to chapter 91, as may be necessary for the purposes of this
8 part."

9 SECTION 2. In codifying the new sections added by section
10 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 3. This Act shall take effect on July 1, 2011.



Report Title:

Environmental Protection; Plastic Checkout Bags; Fee

Description:

Requires businesses in the State to collect a 5-cent fee for each single-use checkout bag provided to a customer. Allows for exemptions. Provides for fees to be deposited in the general fund. Requires fees to be collected on paper bags in counties that currently have ordinances banning plastic bags. Effective July 1, 2011. (SB1363 HD1)

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

