
A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. The legislature finds that plastic bags create
2 unsightly litter, add additional burdens to Hawaii landfills,
3 and require the use of millions of barrels of crude oil for
4 their manufacture. Plastics take decades to break down and
5 present a significant, long-lasting hazard to the environment.

6 The counties of Maui and Kauai have implemented ordinances
7 to ban plastic shopping bags and encourage the use of reusable
8 or recyclable bags to transport goods and groceries starting in
9 2011. Other cities that have passed legislation to ban plastic
10 shopping bags include Los Angeles, San Francisco, and Malibu,
11 California, and Westport, Connecticut.

12 The legislature further finds that the State has an
13 interest in protecting its natural environment, eliminating
14 litter, and decreasing the number of plastic bags flowing into
15 its landfills and must follow the emerging domestic trend of
16 environmental protection.



1 The purpose of this Act is to protect Hawaii's environment
2 by banning at-store provision of plastic carryout bags beginning
3 on July 1, 2012.

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 . PLASTIC CARRYOUT BAG PROHIBITION**

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 "Operator" means a person in control of or having
17 responsibility for the daily operation of a store and includes
18 the owner of the store.

19 "Plastic carryout bag" means a plastic bag that is a bag
20 made from noncompostable plastic or compostable plastic, and is
21 not specifically designed and manufactured for multiple re-use



1 and provided by a business to a customer at the point of sale
2 and used to carry items purchased by the customer.

3 "Reusable bag" means a bag that is specifically designed
4 and manufactured for multiple re-use and is made of cloth or
5 other washable fabric, or made of durable material suitable for
6 reuse.

7 **§342H-B Plastic carryout bag; prohibition.** (a) Beginning
8 on July 1, 2012, all business operators are prohibited from
9 providing plastic carryout bags to consumers at the point of
10 sale for the purpose of transporting groceries or other goods.

11 (b) All business operators shall be required to provide or
12 sell reusable bags to consumers to transport groceries or other
13 goods.

14 **§342H-C Administrative penalties.** In addition to any
15 civil remedy provided by law, the director may impose, by order,
16 the following administrative penalties for violation of this
17 part:

- 18 (1) For a first violation, a fine of not more than \$100;
19 (2) For a second violation within one year, a fine of not
20 more than \$200; and
21 (3) For a third or subsequent violation within one year, a
22 fine of not more than \$500;



1 provided that each issuance by a business operator or any of the
2 business operator's employees of a plastic carryout bag in
3 violation of section 342H-B shall constitute a separate
4 violation.

5 Fines collected pursuant to this part shall be deposited
6 into the general fund.

7 **§342H-D Injunctive and other relief.** The director may
8 institute a civil action in any court of competent jurisdiction
9 for injunctive and other relief to prevent a violation of this
10 part, to collect administrative penalties, or to obtain other
11 relief.

12 **§342H-E Rules.** Pursuant to chapter 91, the department may
13 adopt rules necessary for the purposes of this part."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 4. Nothing in this Act shall be interpreted or
18 applied so as to create any requirement, power, or duty in
19 conflict with any federal law.

20 SECTION 5. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:

ORZ2 (RR)
JAN 26 2011



Report Title:

Plastics ban; Environment

Description:

Creates a ban on plastic bags effective July 1, 2012.

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