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# 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 non-recyclable non-  
2 biodegradable single-use plastic checkout bags present a hazard  
3 to the natural environment. Non-compostable single-use plastic  
4 checkout bags are not only a source of unsightly litter but also  
5 a significant source of environmental degradation, because they  
6 crowd landfills with non-compostable waste, endanger marine  
7 life, and require fossil fuel to manufacture. In light of these  
8 factors, businesses that prefer to provide consumers with  
9 plastic bags should transition to providing a less-toxic  
10 compostable alternative.

11           The legislature further finds that the State has a  
12 compelling interest in protecting its precious natural  
13 environment by decreasing the amount of waste that flows into  
14 its landfills. Because the state's economy, culture, and the  
15 livelihood of its people depend heavily on preserving its  
16 natural environment, the legislature finds that the state will  
17 benefit from the elimination of non-compostable checkout bags.



1           The purpose of this Act, therefore, is to mandate certain  
2 retail establishments to use only compostable plastic checkout  
3 bags.

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 . NON-COMPOSTABLE PLASTIC BAGS PROHIBITED**

8           **§342H- Definitions.** As used in this part, unless the  
9 context otherwise requires:

10           "ASTM D6400 standard" means the American Society for  
11 Testing and Materials' ASTM D6400 standard for determining  
12 whether a plastic material or product made from a plastic  
13 material can be considered compostable.

14           "Business" means any commercial enterprise or  
15 establishment, including sole proprietorships, joint ventures,  
16 partnerships, and corporations, or any other legally cognizable  
17 entity, wither for profit or not for profit, and includes all  
18 employees of the business or any independent contractors  
19 associated with the business.

20           "Checkout bag" means a carryout bag that is provided by a  
21 store to a customer at the point of sale.



1 "EN 13432 standard" means the European Norm EN13432  
2 standard, including requirements for packaging recoverable  
3 through composting and biodegradation.

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

7 "Person" means an individual, trust, firm, joint stock  
8 company, public or private corporation, cooperative,  
9 partnership, limited liability company, or association.

10 "Recyclable paper bag" means a paper bag that meets all of  
11 the following requirements:

- 12 (1) Contains no old-growth fiber;
- 13 (2) Is one hundred per cent recyclable overall and  
14 contains a minimum of forty per cent post-consumer  
15 recycled content; and
- 16 (3) Displays the word "recyclable" in a highly visible  
17 manner on the outside of the bag.

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- Use of non-compostable plastic bags prohibited.**

5           (a) Beginning January 1, 2013, all business operators of  
6           businesses with annual gross sales of \$500,000 or more shall be  
7           prohibited from offering non-compostable plastic checkout bags  
8           to consumers at the point sale for the purpose of transporting  
9           groceries or other goods.

10           (b) Nothing in this section shall preclude a business  
11           operator from offering:

12           (1) A recyclable paper bag to consumers at the point of  
13                   sale for the purpose of transporting groceries or  
14                   other goods; or

15           (2) Reusable bags for sale to consumers.

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

19           (1) For an initial violation, a fine of not more than  
20                   \$100;

21           (2) For a second violation within one year, a fine of not  
22                   more than \$200; and



1           (3) For a third or subsequent violation within one year, a  
2           fine of not more than \$500;  
3 provided that each violation of this section shall constitute a  
4 separate violation.

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

7           **§342H- 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- Rules.** The department may adopt rules pursuant to  
13 chapter 91 necessary to effectuate 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.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: OLIVIER (BR)

JAN 24 2011



**Report Title:**

Plastic Bags

**Description:**

Prohibits businesses from offering to consumers non-compostable checkout bags at point of sale. Establishes fines.

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