
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 checkout bags present a hazard to the environment. Single-use
3 plastic checkout bags are not only a source of unsightly litter,
4 they are a significant source of environmental degradation that
5 crowds landfills with non-biodegradable waste, pollutes the
6 oceans, endangers marine life, and requires fossil fuels to
7 manufacture.

8 Around the world, plastic pollution contributes to clogged
9 waterways and damaged marine ecosystems and eventually finds its
10 way into the oceans through storm drains and watersheds.

11 Polyethylene, or polythene, is the most widely used plastic with
12 an annual production of approximately eighty million metric
13 tons. Polyethylene is primarily used for packaging materials
14 and is the most common material for plastic shopping bags.

15 Commercial polyethylene is not considered to be biodegradable,
16 and most commercial polyethylene waste ends up in landfills or
17 the oceans. Once in the ocean, polyethylene plastic products

18 float on the surface where, over time, sunlight and wave action



1 cause them to break into smaller particles, but they never
2 disappear entirely. Plastic bags and other plastic pollution
3 pose a particular hazard for Hawaii's environment and marine
4 wildlife. The "Great Pacific Garbage Patch", a giant
5 concentration of floating marine debris twice the size of Texas,
6 moves seasonally with the currents in the North Pacific Ocean
7 and frequently deposits plastic bags and other debris on the
8 Northwestern Hawaiian Islands and on the main islands of Hawaii.

9 The legislature further finds that the State has a
10 compelling interest in protecting its precious natural
11 environment by decreasing the amount of waste that flows into
12 its landfills. This Act follows the lead of several cities and
13 counties in the United States and several foreign countries that
14 have adopted laws that discourage the use of single-use plastic
15 checkout bags. Because Hawaii's economy, culture, and the
16 livelihood of its people depend heavily on preserving its
17 natural environment, the legislature finds that the State will
18 benefit by encouraging the use of reusable shopping bags.

19 The purpose of this Act is to reduce the State's production
20 of waste and its negative impact on the environment by
21 prohibiting the distribution of single-use plastic checkout bags
22 by certain businesses.



1 SECTION 2. 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 PLASTIC CHECKOUT BAGS

5 §342H- 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 is
14 made of cloth or other machine washable fabric or made of other
15 durable material suitable for re-use, including plastic that is
16 at least 2.25 millimeters thick.

17 "Single-use plastic checkout bag" means a bag made of
18 non-biodegradable plastic, other than plastic that is at least
19 2.25 millimeters thick, whether recyclable or non-recyclable,
20 that is provided by a business to a customer, and is designed
21 for one-time use to transport merchandise. "Single-use plastic
22 checkout bag" shall not include:



- 1 (1) Bags used by customers inside a business to package
- 2 bulk items such as fruits, vegetables, nuts, grains,
- 3 candies, or small hardware items prior to the point of
- 4 sale;
- 5 (2) Bags used to contain or wrap frozen foods, meat or
- 6 fish, flowers or potted plants, or other items to
- 7 contain dampness;
- 8 (3) Bags used to protect prepared foods or bakery goods
- 9 for take-out or transport;
- 10 (4) Bags provided by pharmacists to contain prescription
- 11 medications;
- 12 (5) Newspaper bags;
- 13 (6) Door hanger bags;
- 14 (7) Laundry or dry cleaning bags, including bags provided
- 15 by hotels to guests to contain wet or dirty clothing;
- 16 (8) Bags sold in packages containing multiple bags
- 17 intended for use as garbage, pet waste, or yard waste
- 18 bags; or
- 19 (9) Bags used to contain live animals, such as fish or
- 20 insects sold in pet stores.

21 **§342H- Prohibition on single-use plastic checkout bags.**

- 22 (a) Beginning on July 1, 2012, businesses with annual gross



1 sales of over \$300,000 are prohibited from distributing single-
2 use plastic checkout bags to their customers at the point of
3 sale.

4 (b) Any person who violates this section shall be subject
5 to:

6 (1) For a first violation, a fine of not more than \$200;

7 (2) For a second violation within one year, a fine of not
8 more than \$400; and

9 (3) For a third or subsequent violation within one year, a
10 fine of not more than \$600.

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

13 **§342H- Injunctive and other relief.** The director may
14 institute a civil action in any court of competent jurisdiction
15 for injunctive and other relief to prevent any violation of this
16 part or any rule adopted pursuant to this part, to collect
17 administrative penalties, or to obtain other relief. The court
18 shall have power to grant relief in accordance with the Hawaii
19 rules of civil procedure.

20 **§342H- Rules.** The director shall adopt rules under
21 chapter 91 as may be necessary to effectuate the purpose of this
22 part."



1 SECTION 3. The State may exempt an entity from this Act
2 for an interim period of no longer than one year from the
3 effective date of this Act upon sufficient showing by a business
4 subject to this Act that implementation of this Act would cause
5 undue hardship. The business shall submit a request for an
6 exemption in writing to the director of health. The term "undue
7 hardship" may include the following:

- 8 (1) Situations where there are no acceptable alternatives
9 to single-use plastic checkout bags, as defined in
10 this Act, for reasons that are unique to the business;
11 and
12 (2) Situations where compliance with the requirements of
13 this Act would deprive a business of a legally-
14 protected right.

15 SECTION 4. Nothing in this Act shall be interpreted or
16 applied so as to preempt any more stringent ordinance adopted by
17 any county.

18 SECTION 5. Nothing in this Act shall be interpreted or
19 applied so as to create any requirement, power, or duty in
20 conflict with any federal or state law.



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 7. This Act shall take effect on July 1, 2050.

5



Report Title:

Environmental Protection; Plastic Bags Prohibited

Description:

Prohibits certain businesses in the State from distributing single-use plastic checkout bags as defined in this Act.

Effective 7/1/2050. (SD2)

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

