

JAN 25 2012

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-biodegradable
2 plastic bags create unsightly litter and are a significant
3 source of environmental degradation that crowds Hawaii's
4 landfills with non-biodegradable waste, pollutes the surrounding
5 ocean waters, and endangers marine life. One means of
6 protecting the State's precious natural environment is by
7 requiring the use of biodegradable plastic bags.

8 The purpose of this Act is to reduce the State's production
9 of waste and its negative impact on the environment by requiring
10 businesses to provide only biodegradable plastic, paper, or
11 reusable bags as checkout bags to their customers.

12 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 **"PART . BIODEGRADABLE CHECKOUT BAGS"**

16 **§342H- Definitions.** As used in this part, unless the
17 context otherwise requires:



1 "ASTM standard" means the ASTM International standard
2 D6400-04 for compostable plastics, as amended.

3 "Biodegradable plastic bag" means a bag made of plastic
4 that meets the ASTM standard.

5 "Business" means any commercial enterprise or
6 establishment, including sole proprietorships, joint ventures,
7 partnerships, and corporations, or any other legally cognizable
8 entity, whether for profit or not for profit, and includes all
9 employees of the business or any independent contractors
10 associated with the business.

11 "Checkout bag" means a carryout bag that is provided by a
12 store to a customer.

13 "Director" means the director of health.

14 "Non-biodegradable single-use plastic checkout bag" means a
15 bag made of non-biodegradable plastic, whether recyclable or
16 non-recyclable, that is provided by a business to a customer and
17 is designed for one-time use to transport merchandise.

18 "Person" means an individual, trust, firm, joint stock
19 company, corporation, cooperative, partnership, limited
20 liability company, or association.



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- Mandatory use of biodegradable plastic, paper, or**
9 **reusable checkout bags.** (a) Beginning , 2012, a
10 business:

11 (1) Shall provide only biodegradable plastic bags, paper
12 bags, or reusable bags as checkout bags to customers;
13 and

14 (2) Is prohibited from providing non-biodegradable single-
15 use plastic checkout bags to customers.

16 (b) Nothing in this part shall preclude a business from
17 making reusable bags available for sale to customers.

18 **§342H- Rules.** The director shall adopt rules under
19 chapter 91 to effectuate the purpose of this part.

20 **§342H- Administrative penalties.** Any person who
21 violates this part or any rule adopted pursuant to this part



1 shall be fined no more than \$ for each separate
2 offense."

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

6 SECTION 4. This Act shall take effect upon its approval.

7

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S.B. NO. 2932

Report Title:

Environmental Protection; Plastic Bags

Description:

Requires a business to provide only biodegradable plastic, paper, or reusable bags as checkout bags to customers; prohibits a business from providing non-biodegradable single-use plastic checkout bags to customers; establishes an unspecified fine for each violation.

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