
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. The legislature finds and declares that
2 environmental marketing claims on plastic carryout bag labels,
3 whether explicit or implied, should be substantiated by
4 competent and reliable evidence to prevent deceiving or
5 misleading consumers about the environmental impact of plastic
6 carryout bags. For consumers to have accurate and useful
7 information about the environmental impact of plastic carryout
8 bags, environmental marketing claims should adhere to uniform
9 and recognized standards such as those standard specifications
10 established by ASTM International.

11 The purpose of this Act is to ensure that labeling on
12 plastic carryout bags about their impact on the environment is
13 consistent with uniform and recognized standards, and that the
14 department of health be provided with access to information and
15 documentation from manufacturers and suppliers showing their
16 compliance with this Act.



1 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . PLASTIC CARRYOUT BAG LABELING

5 §486-A Definitions. As used in this part, unless the
6 context otherwise requires:

7 "ASTM" means ASTM International.

8 "ASTM standard specification" means a definition found in
9 the Style and Form Guide for ASTM Standards, including but not
10 limited to ASTM Standard 06400. "ASTM standard specification"
11 does not include an ASTM Standard Guide, a Standard Practice, or
12 a Standard Test Method.

13 "Manufacturer" means a person, firm, association,
14 partnership, or corporation that produces a plastic carryout
15 bag.

16 "Plastic carryout bag" means any bag made predominantly of
17 plastic derived from either petroleum or a biologically-based
18 source, such as corn or other plant sources, which is provided
19 to a customer at the point of sale. "Plastic carryout bag" does
20 not include reusable bags, produce bags, newspaper bags, door-
21 hanger bags, laundry-dry cleaning bags, or bags intended for use
22 as garbage, pet waste, or yard waste bags.



1 "Produce bag" means any bag without handles used
2 exclusively to carry produce, meats, or other food items to the
3 point of sale inside a store or to prevent such food items from
4 coming into direct contact with other purchased items.

5 "Reusable bag" means a bag with handles that is
6 specifically designed and manufactured for multiple reuse and is
7 made of:

- 8 (1) Cloth or other machine-washable fabric; or
9 (2) Durable material suitable for reuse, including plastic
10 that is at least 2.25 mils thick.

11 "Supplier" means a person who does one or more of the
12 following:

- 13 (1) Sells, offers for sale, or offers for promotional
14 purposes, a plastic carryout bag used to contain a
15 product; or
16 (2) Takes title to a plastic carryout bag produced either
17 domestically or in a foreign country, that is
18 purchased for resale or promotional purposes.

19 **§486-B Plastic carryout bag labeling; requirements.** No
20 person shall sell a plastic carryout bag that is labeled with
21 the term "compostable", "biodegradable", "degradable", or any
22 form of those terms, or in any way imply that the plastic



1 carryout bag will break down in a landfill, composting, marine,
2 or other natural, terrestrial environment, unless, at the time
3 of sale, the plastic carryout bag:

- 4 (1) Meets the current ATSM standard specification for the
5 term used on the label; and
6 (2) Is labeled, marked, or tagged with the manufacturer's
7 name and ATSM standard specification that the bag
8 meets.

9 **§486-C Compliance information and documentation.** As a
10 condition precedent to selling a plastic carryout bag labeled as
11 "compostable", "biodegradable", or "degradable", the
12 manufacturer or supplier of the plastic carryout bag shall
13 submit to the department of health sufficient documentation to
14 satisfactorily demonstrate that the plastic carryout bag meets
15 the most current applicable ATSM standard specification."

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

19 SECTION 4. This Act shall take effect on January 1, 2014.

20



Report Title:

Consumer Protection; Plastic Carryout Bags; Environmental Marketing; Labeling; Compliance Information and Documentation

Description:

Prohibits the sale of any plastic carryout bag that is labeled inconsistently with ASTM International standards for the degradability of plastic products and other requirements. Requires manufacturers and suppliers to furnish the department of health with information and documentation demonstrating compliance with this Act. Takes effect 1/1/2014. (SD1)

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

