
A BILL FOR AN ACT

RELATING TO A BAN ON DISPOSABLE BAGS.

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

- 1 SECTION 1. The legislature finds that the excessive use of
2 single-use checkout bags presents an unnecessary hazard to the
3 natural environment. Single-use checkout bags:
- 4 (1) Require, for their manufacture, either crude oil, a
5 polluting fossil fuel, or paper, a resource that
6 requires the destruction of trees needed for carbon
7 sequestration;
 - 8 (2) Pose serious health risks to legally protected sea
9 turtles and marine mammals;
 - 10 (3) Contribute to unsightly litter;
 - 11 (4) Burden overcrowded landfills;
 - 12 (5) Are infrequently recycled;
 - 13 (6) Contribute to deforestation and greenhouse gas
14 emissions; and
 - 15 (7) Are manufactured using large quantities of water and
16 non-renewable energy.



1 An environmentally friendly alternative to the single-use
2 checkout bag is the reusable bag, which consumers can easily
3 acquire, clean, and store.

4 The State has a compelling interest in protecting its
5 precious natural environment. Several countries as well as
6 international and domestic cities have successfully implemented
7 laws that have resulted in a significant reduction in single-use
8 checkout bag usage. The health and welfare of the people of
9 Hawaii would benefit from a significant reduction of single-use
10 checkout bag waste and litter.

11 The improper disposal of all bags, paper or plastic,
12 pollutes Hawaii's streams and coral reefs and strangles and
13 starves endangered marine animals. Items that do not find their
14 way into the environment become legacy items that will burden
15 future generations in landfills. Increasing the resilience of
16 these ecosystems to these threats requires litter removal,
17 strengthening water quality measures such as reducing discharge
18 of pollutants in developed areas and controlling erosion caused
19 by deforestation and invasive species, and reducing erosion and
20 sedimentation of reefs. Protecting Hawaii's streams and marine
21 areas from these high-priority threats will help offset the
22 damage caused by ubiquitous single-use checkout bags.



1 The legislature also finds that the only sustainable and
2 ecologically responsible solution to the deleterious effects of
3 all single-use bags is to ban their use. Fees and taxes do not
4 make single-use bags any less harmful to public health or the
5 environment. Any policy of bag fees fails tests of
6 sustainability for the following reasons:

- 7 (1) It will still result in disposable bags being released
8 into the environment;
- 9 (2) It is socially unsustainable because any flat fee or
10 tax would burden low- and middle-income people
11 disproportionately;
- 12 (3) It is economically unsustainable as evidenced by the
13 recent experience with the deposit beverage container
14 program which demonstrates the difficulty in both the
15 oversight and management of container fees, and a
16 disposable bag is nothing more than a container; and
- 17 (4) It will still result in the consumption of
18 nonrenewable resources to produce paper or plastic
19 disposable bags and perpetuates legacy items in
20 landfills for future generations to manage, which runs
21 contrary to the goal of intergenerational justice
22 implicit with sustainability.



1 The purpose of this Act is to prohibit the distribution of
2 non-biodegradable single-use checkout bags.

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

6 "PART . SINGLE-USE CHECKOUT BAG BAN

7 §342H- Definitions. As used in this part, unless the
8 context otherwise requires:

9 "Biodegradable" means capable of degradation caused by
10 biological activity, especially enzymatic activity, into
11 elements found in nature within a reasonably short amount of
12 time when exposed to air, moisture, and bacteria or other
13 organisms.

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, whether for profit or not for profit, and includes all
18 employees of the business.

19 "Mil" means one thousandth of one inch.

20 "Single-use checkout bag":

21 (1) Means a bag made of plastic that is less than 2.25
22 mils thick, or a paper package or sack, whether



- 1 recyclable or non-recyclable, that is provided by a
2 business to a customer, and is designed for one-time
3 use to contain and transport merchandise; and
4 (2) Does not include:
5 (A) Bags used by customers inside a business to
6 package loose items, such as fruits, vegetables,
7 nuts, grains, or candies, or small hardware
8 items;
9 (B) Bags used to contain or wrap frozen foods, meat
10 or fish, flowers or potted plants, or other items
11 to contain dampness;
12 (C) Bags used to protect or transport prepared foods
13 or bakery goods;
14 (D) Bags provided by pharmacists to contain
15 prescription medications;
16 (E) Newspaper bags for home newspaper delivery;
17 (F) Door-hanger bags;
18 (G) Laundry, dry cleaning, or garment bags, including
19 bags provided by hotels to guests to contain wet
20 or dirty clothing;



- 1 (H) Bags sold in packages containing multiple bags
- 2 intended for use as garbage, pet waste, or yard
- 3 waste bags;
- 4 (I) Bags used to contain live animals, such as fish
- 5 or insects sold in pet stores; or
- 6 (J) Bags used to transport chemical pesticides,
- 7 drain-cleaning chemicals, or other caustic
- 8 chemicals sold at the retail level; provided that
- 9 this exemption shall be limited to one bag per
- 10 customer.

11 §342H- **Single-use checkout bag; prohibited.**

12 Notwithstanding any other law, county ordinance, or rule to the
13 contrary, beginning July 1, 2014, it shall be unlawful for a
14 business to distribute a non-biodegradable single-use checkout
15 bag to a customer.

16 §342H- **Violations.** Violations of this part shall be
17 subject to a fine of not less than \$1,000 for each violation.

18 §342H- **Injunctive and other relief.** The director may
19 institute a civil action in any court of competent jurisdiction
20 for injunctive and other relief to correct or abate violation of
21 this part, to collect administrative penalties, or to obtain
22 other relief."



H.B. NO. 1198

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

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H.B. NO. 1198

Report Title:

Environmental Protection; Single-use Checkout Bags; Ban

Description:

Prohibits businesses from distributing non-biodegradable single-use checkout bags to customers.

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