

JAN 23 2014

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that increased
2 environmental harm might result from plastic bags that are
3 marketed or promoted as "biodegradable", "degradable", or
4 "compostable" but that do not meet the appropriate standard or
5 specification because consumers may be more cavalier in their
6 use of plastic bags on or near the ocean or other natural
7 environments if they mistakenly believe that these products will
8 meet their expectations for "biodegradable", "degradable", or
9 "compostable". Industry usage of those terms differs
10 drastically from consumer expectations of those terms.

11 The legislature further finds that the ASTM International
12 and the European Committee for Standardization issue globally
13 recognized standards or specifications. In 2011, ASTM
14 International withdrew ASTM D 6002, which many plastic
15 manufacturers had used to lend credibility to plastic bags that
16 were labeled as compostable. That standard has not yet been
17 replaced.



1 The purpose of this Act is to prevent the sale in bulk of
2 any plastic bag advertised, labeled, marked, marketed, or
3 promoted as "biodegradable", "degradable", or "compostable"
4 unless the department of health determines that such products
5 meet the appropriate ASTM International standard specification
6 or European Committee for Standardization standard as adopted by
7 the department.

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

11 **"PART . PLASTIC BAG LABELING**

12 **§342H- Definitions.** As used in this part, unless the
13 context otherwise requires:

14 "Biodegradable" means able to meet the ASTM International
15 standard specification or European Committee for Standardization
16 standard that has been adopted by the department for
17 biodegradability.

18 "Compostable" means able to meet the ASTM International
19 standard specification or European Committee for Standardization
20 standard that has been adopted by the department for
21 compostability.



1 "Degradable" means able to meet the ASTM International
2 standard specification or European Committee for Standardization
3 standard that has been adopted by the department for
4 degradability.

5 "Plastic bag" means a bag made out of or containing high-
6 density polyethylene or other petroleum-derived plastic, even if
7 the bag contains other materials.

8 "Sell in bulk" means to sell one hundred or more plastic
9 bags in one sale or one thousand or more plastic bags in
10 aggregate sales in one year.

11 **§342H- Adoption of standards.** The department shall
12 adopt ASTM International standard specifications or European
13 Committee for Standardization standards for biodegradable,
14 compostable, and degradable if and when the department deems
15 such specifications or standards to be appropriate or suitable
16 for plastic bags.

17 **§342H- Verification.** Any person wishing to sell in bulk
18 any plastic bag advertised, labeled, marked, marketed, or
19 promoted as "biodegradable", "degradable", or "compostable"
20 shall first check with the department if the appropriate
21 specification or standard has been adopted by the department and
22 apply to the department for verification that its plastic bag



1 meets the specification or standard adopted by the department.
2 The applicant shall provide the department with any information
3 requested by the department and shall pay for any testing deemed
4 necessary by the department.

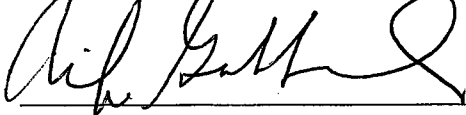
5 **§342H- Prohibition.** After December 31, 2014, no person
6 shall sell in bulk any plastic bag advertised, labeled, marked,
7 marketed, or promoted as "biodegradable", "degradable", or
8 "compostable" unless:

- 9 (1) The department has adopted the appropriate
10 specification or standard; and
11 (2) The department has verified that the person's plastic
12 bags meet the adopted specification or standard.

13 **§342H- Fines.** Violators shall be fined:

- 14 (1) \$100 plus \$1 for each bag sold for the first
15 violation;
16 (2) \$500 plus \$5 for each bag sold for the second
17 violation; and
18 (3) \$1,000 plus \$10 for each bag sold for the third and
19 subsequent violations."

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

21
INTRODUCED BY: 



S.B. NO. 3111

Russell Puder

Mark

Yue Sheng



S.B. NO. 3111

Report Title:

Plastic Bag Labeling

Description:

Prohibits the sale of plastic bags sold in bulk as "biodegradable", "degradable", or "compostable" unless the department of health determines that such products meet certain standards.

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

