

JAN 18 2013

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
14 consumers 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
7 meets all of the following requirements:

- 8 (1) Is capable of carrying a minimum of twenty-two pounds
9 one hundred twenty-five times over a distance of at
10 least one hundred seventy-five feet;
- 11 (2) Has a minimum volume of fifteen liters;
- 12 (3) Is machine washable or capable of being cleaned and
13 disinfected;
- 14 (4) Does not contain lead, cadmium, or any other heavy
15 metal in toxic amounts as defined by applicable
16 federal standards and regulations for packaging or
17 reusable bags;
- 18 (5) Has printed on the bag, or on a tag permanently
19 affixed to the bag, the name of the manufacturer; the
20 place of manufacture; a statement that the bag does
21 not contain lead, cadmium, or any other heavy metal in



1 toxic amounts; and the percentage of postconsumer
2 recycled material used, if any; and

3 (6) If made of plastic, is a minimum of at least 2.25 mils
4 thick.

5 "Supplier" means a person who does one or more of the
6 following:

7 (1) Sells, offers for sale, or offers for promotional
8 purposes, a plastic carryout bag used to contain a
9 product; or

10 (2) Takes title to a plastic carryout bag produced either
11 domestically or in a foreign country, that is
12 purchased for resale or promotional purposes.

13 **§486-B Plastic carryout bag labeling; requirements.** No
14 person shall sell a plastic carryout bag that is labeled with
15 the term "compostable", "biodegradable", "degradable", or any
16 form of those terms, or in any way imply that the plastic
17 carryout bag will break down in a landfill, composting, marine,
18 or other natural, terrestrial environment, unless, at the time
19 of sale, the plastic carryout bag meets a current ASTM standard
20 specification for the term used on the label.

21 **§486-C Compliance information and documentation; available**
22 **upon request.** A manufacturer or supplier, upon the request of a



1 member of the public, shall submit to that member, within ninety
2 days of the request, information and documentation demonstrating
3 that the labeling on plastic carryout bags sold by the
4 manufacturer or supplier complies with section 486-B in a format
5 that is easy to understand and scientifically accurate."

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

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

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INTRODUCED BY:



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S.B. NO. 318

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. Requires manufacturers and suppliers to furnish members of the public with information and documentation demonstrating compliance with this Act within ninety days of request. Takes effect 1/1/2014.

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

