

STAND. COM. REP. NO.

392

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 318
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Energy and Environment and Economic Development, Government Operations and Housing, to which was referred S.B. No. 318 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to ensure that labeling on plastic carryout bags about their impact on the environment is consistent with uniform and recognized standards.

Your Committees received testimony in support of this measure from Island Plastic Bags, Inc., and one individual. Your Committees received testimony in opposition to this measure from the Retail Merchants of Hawaii. Your Committees received comments on this measure from the Hawaii Food Industry Association.

Your Committees find that environmental marketing claims on plastic carryout bag labels, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic carryout bags. For consumers to have accurate and useful information about the environmental impact of plastic carryout bags, environmental marketing claims should adhere to uniform and recognized standards, such as those standard specifications established by ASTM International.

Your Committees have amended this measure by:



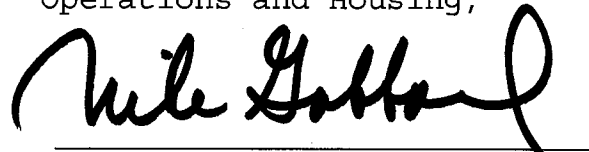
- (1) Amending the definition of "reusable bag" to mean a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine-washable fabric or durable material suitable for reuse, including plastic that is at least 2.25 mils thick;
- (2) Adds to the labeling requirement a requirement that the plastic carryout bag be labeled, marked, or tagged with the manufacturer's name and ASTM International standard specification that the bag meets;
- (3) Deleting the compliance requirement that a manufacturer or supplier must submit to the public, upon request, information demonstrating that the labeling of plastic carryout bags sold complies with this measure;
- (4) Inserting a compliance requirement that as a condition precedent to selling a plastic carryout bag labeled as "compostable", "biodegradable", or "degradable", the manufacturer or supplier of the plastic carryout bag shall submit to the Department of Health sufficient documentation to satisfactorily demonstrate that the plastic carryout bag meets the most current applicable ASTM International standard specification; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Economic Development, Government Operations and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 318, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 318, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Economic
Development, Government
Operations and Housing,


DONOVAN M. DELA CRUZ, Chair


MIKE GABBARD, Chair



