
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that consumers in Hawaii
2 use over 300,000,000 single-use plastic bags per year and these
3 bags are one of the most common forms of litter in the State.
4 These lightweight bags blow out of trash receptacles and
5 landfills onto the land and into the ocean. Many different
6 marine species are endangered by plastic bags, such as sea
7 turtles, sea birds, and monk seals. Although single-use plastic
8 bags are used on average for fewer than fifteen minutes, they
9 remain as part of the environment for decades, because they are
10 manufactured from fossil fuels and never truly degrade, breaking
11 down only into toxic microplastics.

12 In addition, single-use plastic bags have created blight on
13 Hawaii's natural beauty and an economic burden for the counties
14 to clean up. Less than five per cent of plastic bags are ever
15 recycled. Furthermore, these bags contaminate the waste stream
16 and need to be removed at recycling centers, where they often
17 clog the machines.



1 Although the use of reusable bags has increased, some
2 retailers still provide paper bags for consumers to carry their
3 purchases. However, paper bags cost retailers significantly
4 more than plastic bags.

5 In an effort to deal with the environmental and economic
6 problems caused by single-use plastic bags, all of Hawaii's
7 counties have enacted ordinances prohibiting the distribution of
8 these bags at many retail points of sale. However, differences
9 exist between the various county ordinances.

10 The purpose of this Act is to establish a uniform minimum
11 standard statewide, without undermining any county's ordinance,
12 to help make matters more consistent and coherent for retailers
13 and consumers throughout Hawaii. Moreover, this Act establishes
14 a working group to study methods of reducing the use of both
15 single-use plastic bags and certain non-recyclable paper bags.

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

19 "PART

20 PLASTIC BAG REDUCTION



1 §342H- Ban on plastic checkout bags and non-recyclable
2 paper bags. Businesses shall be prohibited from providing
3 plastic checkout bags and non-recyclable paper bags to their
4 customers at the point of sale for the purpose of transporting
5 groceries or other merchandise. Nothing in this part shall
6 preclude a business from making available to customers, with or
7 without charge, at the point of sale:

- 8 (1) Reusable bags, compostable plastic bags, or recyclable
9 paper bags for the purpose of transporting groceries
10 or other merchandise; or
11 (2) Non-recyclable paper bags to protect or transport
12 prepared foods, beverages, or bakery goods.

13 §342H- Rules. The department shall adopt rules pursuant
14 to chapter 91 to implement this part.

15 §342H- Counties; ordinances. Nothing in this part shall
16 prohibit a county from enacting ordinances that are more
17 stringent than this part in restricting the use of plastic bags.

18 §342H- Definitions. As used in this part:

19 "Business" means any commercial enterprise or establishment
20 operating in the State, including an individual proprietorship,
21 joint venture, partnership, corporation, limited liability



1 company, or other legal entity, if for profit, and includes all
2 employees of the business or any independent contractors
3 associated with the business. Businesses shall not include
4 organizations exempt under section 501(c)(3) of the Internal
5 Revenue Code.

6 "Compostable plastic bag" means a checkout bag that is
7 provided to a customer for the purpose of transporting groceries
8 or other retail goods, that meets the current standard
9 specifications of ASTM International for compostability (ASTM
10 D6400) and that is labeled with:

- 11 (1) The logo of the Biodegradable Product Institute
12 indicating that the bag meets the current standard
13 specifications of ASTM International for
14 compostability (ASTM D6400); and
- 15 (2) The word "compostable" on both sides of the bag
16 printed in either green-colored lettering that is at
17 least one inch in height, or within a green-colored
18 band that is at least one inch in height, in order to
19 be readily and easily identifiable.

20 "Customer" means a person who purchases merchandise from a
21 business.



1 "Mil" means one thousandth of one inch.

2 "Non-recyclable paper bag" means a paper bag that is not a
3 recyclable paper bag.

4 "Plastic checkout bag" means a carryout bag that is
5 provided by a business to a customer for the purpose of
6 transporting groceries or other merchandise, and is made from
7 non-compostable plastic and not specifically designed and
8 manufactured for multiple re-use; provided that this term does
9 not include:

- 10 (1) Bags used by customers inside a business to package
11 loose items, such as fruits, vegetables, nuts, ground
12 coffee, grains, candies, or small hardware items;
- 13 (2) Bags used to contain or wrap frozen foods, meat or
14 fish, flowers or potted plants, or other items to
15 contain dampness;
- 16 (3) Bags used to protect or transport prepared foods,
17 beverages, or bakery goods;
- 18 (4) Bags provided by pharmacists to contain prescription
19 medications;
- 20 (5) Newspaper bags for home newspaper delivery;
- 21 (6) Door-hanger bags;



- 1 (7) Laundry, dry cleaning, or garment bags, including bags
2 provided by hotels to guests to contain wet or dirty
3 clothing;
- 4 (8) Bags sold in packages containing multiple bags
5 intended for use as garbage, pet waste, or yard waste
6 bags;
- 7 (9) Bags used to contain live animals, such as fish or
8 insects sold in pet stores;
- 9 (10) Bags used to transport chemical pesticides, drain-
10 cleaning chemicals, or other caustic chemicals sold at
11 the retail level; provided that this exemption shall
12 be limited to one bag per customer; or
- 13 (11) Compostable plastic bags.
- 14 "Recyclable paper bag" means a paper bag that:
- 15 (1) Is one hundred per cent recyclable;
- 16 (2) Contains a minimum of forty per cent post-consumer
17 recycled content; and
- 18 (3) Displays the words "reusable" and "recyclable" in a
19 highly visible manner on the outside of the bags.



1 "Reusable bag" means a bag with handles that is
2 specifically designed and manufactured for multiple reuse and is
3 made of:

- 4 (1) Cloth or other washable fabric; or
- 5 (2) Durable material suitable for reuse, including plastic
6 that is at least 2.25 mils thick."

7 SECTION 3. (a) The department of health shall convene a
8 working group to study various methods to reduce the use of all
9 disposable bags, including single-use plastic bags and paper
10 bags, such as by:

- 11 (1) Increasing the use of reusable bags; and
- 12 (2) Assessing a fee on all disposable bags, whether paper
13 or plastic, to help offset costs for retailers.

14 (b) The working group shall be chaired by the head of the
15 office of solid waste management of the department of health and
16 shall consist of the following members:

- 17 (1) A representative of the city and county of Honolulu,
18 to be appointed by the mayor;
- 19 (2) A representative of the county of Hawaii, to be
20 appointed by the mayor;



1 (3) A representative of the county of Maui, to be
2 appointed by the mayor;

3 (4) A representative of the county of Kauai, to be
4 appointed by the mayor; and

5 (5) A representative of the department of business,
6 economic development, and tourism, to be appointed by
7 the director.

8 (c) The head of the office of solid waste management of
9 the department of health shall also invite members of
10 environmental organizations and business organizations to
11 participate as members of the working group.

12 (d) No member of the working group shall be made subject
13 to chapter 84, Hawaii Revised Statutes, solely because of that
14 member's participation as a member of the working group.

15 (e) The working group shall submit a report of its
16 findings and recommendations, including any proposed
17 legislation, to the legislature by November 30, 2015. The
18 report shall be prepared by the department of health.



H.B. NO. 1507

1 SECTION 4. This Act shall take effect upon its approval;
 2 provided that section 2 shall take effect on July 1, 2015.
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H.B. NO. 1507

Report Title:

Statewide Uniform Minimum Standard on the Use of Plastic Bags by Retailers; Working Group; Reduction in the Use of Disposable Bags

Description:

Establishes a uniform minimum standard statewide on the use of plastic bags by retailers. Establishes a working group to study methods to reduce the use of all disposable bags.

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