
A BILL FOR AN ACT

RELATING TO PLASTIC.

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

1 SECTION 1. Chapter 342H, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . SINGLE-USE PLASTIC CHECKOUT BAGS**

5 **§342H-A Definitions.** As used in this part, unless context
6 otherwise requires:

7 "Business" means any commercial enterprise or establishment
8 operating in the State, including an individual proprietorship,
9 joint venture, partnership, corporation, limited liability
10 company, or other legal entity, whether for profit or not for
11 profit, and includes all employees of the business or any
12 independent contractors associated with the business.

13 "Compostable plastic bag" means a checkout bag that is
14 provided to a customer for the purpose of transporting groceries
15 or other retail goods, that meets current ASTM D6400 standard
16 specifications for compostability, and that is labeled with:



1 (1) The biodegradable product institute logo as meeting
2 the ASTM standard for compostability; and

3 (2) The word "Compostable" on both sides of the bag in
4 either green color lettering that is at least one inch
5 in height, or as otherwise specified; or within a
6 green color band that is at least one inch in height
7 in order to be readily and easily identifiable.

8 "Customer" means a person who purchases merchandise from a
9 business.

10 "Department" means the department of health.

11 "Mil" means one thousandth of one inch.

12 "Non-recyclable paper bag" means a paper bag that is not a
13 recyclable.

14 "Pass-through charge" means a charge of 10 cents per bag to
15 be collected by businesses from their customers when providing
16 recyclable paper bags, reusable bags, or compostable bags, and
17 retained by businesses to offset the cost of bags and other
18 related costs.

19 "Recyclable paper bag" means a paper bag that:

20 (1) Is one hundred per cent recyclable;



1 (2) Contains a minimum of forty per cent post-consumer
2 recycled content; and

3 (3) Displays the words "Reusable" and "Recyclable" in a
4 highly visible manner on the outside of the bag.

5 "Reusable bag" means a bag with handles that is
6 specifically designed and manufactured for multiple reuse and is
7 made of:

8 (1) Cloth or other washable fabric; or

9 (2) Durable material suitable for reuse, including plastic
10 that is at least 2.25 mils thick.

11 "Single-use plastic checkout bag" means a carryout bag that
12 is provided at the point of sale by a business to a customer for
13 the purpose of transporting groceries or other retail goods, is
14 made from non-compostable plastic, and is not specifically
15 designed and manufactured for multiple reuse.

16 **§342H-B Inapplicability of part.** This part shall not
17 apply to:

18 (1) Bags used by customers inside a business to package
19 loose items, such as fruits, vegetables, nuts, ground
20 coffee, grains, candies, or small hardware items;



- 1 (2) Bags used to contain or wrap frozen foods, meat or
2 fish, flowers or potted plants, or other items to
3 contain dampness;
- 4 (3) Bags used to protect or transport prepared foods,
5 beverages, or bakery goods;
- 6 (4) Bags provided by pharmacists to contain prescription
7 medications;
- 8 (5) Newspaper bags for home newspaper delivery;
- 9 (6) Door-hanger bags;
- 10 (7) Laundry, dry cleaning, or garment bags, including bags
11 provided by hotels to guests to contain wet or dirty
12 clothing;
- 13 (8) Bags sold in packages containing multiple bags
14 intended for use as garbage, pet waste, or yard waste
15 bags;
- 16 (9) Bags used to contain live animals, such as fish or
17 insects sold in pet stores;
- 18 (10) Bags used to transport chemical pesticides, drain-
19 cleaning chemicals, or other caustic chemicals sold at
20 the retail level; provided that this exemption shall
21 be limited to one bag per customer; or



1 (11) Compostable plastic bags.

2 **§342H-C Ban on single-use plastic checkout bags and non-**
3 **recyclable paper bags.** (a) No business shall provide single-
4 use plastic checkout bags or non-recyclable paper bags to any
5 customers.

6 (b) All businesses shall charge customers a pass-through
7 charge for every recyclable paper bag, reusable bag, or
8 compostable plastic bag provided at the point of sale.

9 (c) All businesses shall indicate on the customer
10 transaction receipt the total number of recyclable paper bags,
11 compostable plastic bags, or reusable bags provided and the
12 total amount of the pass-through charge.

13 **§342H-D Penalties; injunctive relief.** (a) Any business
14 that violates any provision of this part shall:

15 (1) Discontinue the distribution of bags prohibited by
16 this part; and

17 (2) Be assessed a fine of not less than \$100, but not more
18 than \$1,000 for each day of the violation.

19 (b) The department may apply for and the court may grant
20 an injunction restraining any business from violating this part
21 or any rule adopted pursuant to this part.



1 §342H-E Rules. The department may adopt rules in
2 accordance with chapter 91 to implement this part.

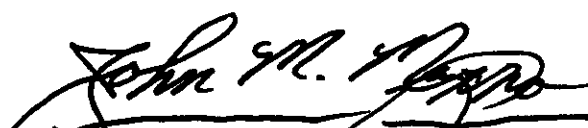
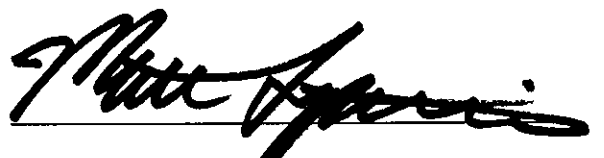

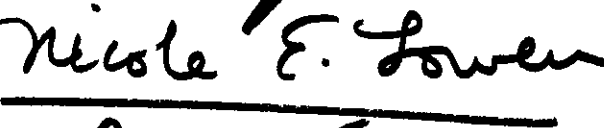


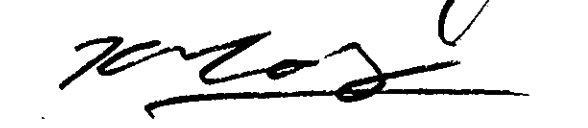


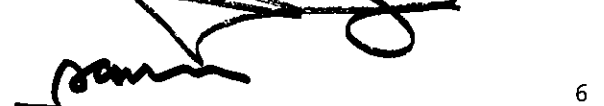
3 §342H-F Relation to county ordinances. This part shall
4 not prohibit the enactment or operation of any county ordinance
5 that is at least as stringent as this part; provided that no
6 county ordinance shall supersede or prevent the operation of
7 section 342H-C."

8 SECTION 2. In codifying the new sections added by section
9 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 3. This Act shall take effect on July 1, 2016.

13

INTRODUCED BY:



H.B. NO. 1893

Report Title:

Single-use Plastic Checkout Bags; Non-recyclable Paper Bags; Ban

Description:

Bans businesses from providing single-use plastic checkout bags and non-recyclable paper bags to customers. Assesses a fee that businesses shall charge for allowable bags provided to customers. Allows for penalties from the Department of Health.

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

