
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 protecting Hawaii's
2 consumers from false or fraudulent advertising is essential to
3 ensuring a fair market for all businesses and competitors. Many
4 plastic products are now compostable and biodegradable and thus
5 do not remain as trash when discarded. However, other products
6 have been deceptively marketed to consumers as compostable and
7 biodegradable. These products are actually composed of between
8 thirty-four to ninety-seven per cent plastic, which eventually
9 breaks down into microplastics, which cannot be seen or cleaned
10 up and which have been found to accumulate in organisms and
11 animals, thereby endangering the food chain.

12 The legislature further finds that ensuring truth in
13 advertising and differentiating between compostable products and
14 non-compostable products is crucial to protecting our
15 environment, ensuring a fair business market, and protecting
16 Hawaii's consumers.



1 The purpose of this Act is to join other states that
2 already require plastic products marketed as biodegradable,
3 degradable, decomposable, or compostable, or in any way imply
4 that the product will break down, to meet the American Society
5 for Testing and Materials' specifications for compostability.

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

9 "§342H- Plastic products; labeling. (a) No plastic
10 product shall be labeled as "compostable" unless it meets ASTM
11 D6400 specifications.

12 (b) No plastic product shall be labeled in any way to
13 imply that it will biodegrade, decompose, break down, or
14 fragment in a landfill or other environment, unless it is
15 certified by independent scientific laboratory testing to break
16 down in a manner that is not harmful to the environment.

17 (c) Notwithstanding subsections (a) and (b), plastic
18 products that have been certified by the Biodegradable Products
19 Institute may be labeled using the Biodegradable Products
20 Institute's logo.



1 (d) A person who violates this section shall be fined
2 \$ for each separate violation. Each day the violation
3 continues shall constitute a separate violation.

4 (e) As used in this section:

5 "ASTM D6400" means the specifications for compostability of
6 the American Society for Testing and Materials.

7 "Consumer product" means a product or part of a product
8 that is used, bought, or leased for use by a person for any
9 purpose.

10 "Plastic product" means a product made of plastic, alone or
11 in combination with other material. A plastic product includes
12 but is not limited to any of the following:

13 (1) A consumer product;

14 (2) A package or packing component;

15 (3) A bag, sack, wrap, or other product made of thin
16 plastic sheet film; or

17 (4) A food or beverage container, or a container
18 component, including a straw, lid, or eating utensil."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect on January 1, 2016.



Report Title:

Compostable Plastic Products

Description:

Prohibits a plastic product from being labeled as compostable unless it meets ASTM D6400 standards. (HB620 HD1)

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

