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# A BILL FOR AN ACT

RELATING TO PLASTIC PRODUCTS.

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

1           SECTION 1. The purpose of this Act is to prohibit the sale  
2 of plastic products labeled as "biodegradable" and require the  
3 department of health to adopt the most recent ASTM International  
4 standard D6400, "Standard Specification for Compostable  
5 Plastics", ensuring that plastic products labeled as  
6 "compostable" meet the adopted applicable standard  
7 specification.

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

11                           "PART       .   PLASTIC PRODUCT LABELING

12           §342H-       Definitions. As used in this part, unless the  
13 context otherwise requires:

14           "Biodegradable" means capable of being slowly destroyed and  
15 broken down into very small parts by natural processes.



1 "Compostable" means able to meet the most recent ASTM  
2 International standard D6400, "Standard Specification for  
3 Compostable Plastics".

4 "Consumer product" means a product or part of a product  
5 that is used, bought, or leased for use by a person for any  
6 purpose.

7 "Plastic" has the same meaning as in section 342H-41.

8 "Plastic product" means a product made of plastic, alone or  
9 in combination with other material, including but not limited to  
10 a consumer product; a package or packaging component; a bag,  
11 sack, wrap, or other thin plastic sheet film product; a food or  
12 beverage container; or a container component.

13 §342H- Adoption of standard specification for  
14 compostable. (a) The department shall adopt:

- 15 (1) The most recent ASTM International standard D6400,  
16 "Standard Specification for Compostable Plastics";  
17 (2) A standard specification that adds qualifications to  
18 the ASTM International standard specification; or  
19 (3) A standard specification that is adopted or developed  
20 by a standard-setting organization and is more



1           stringent than the ASTM International standard  
2           specification.

3           (b) If an adopted standard specification for compostable  
4 is subsequently revised, the department shall review the new  
5 standard specification in comparison with the standard  
6 specification prior to its revision, as follows:

7           (1) If the department determines that the new standard  
8           specification is more stringent and consistent with  
9           state policies and programs, the department may adopt  
10          the new standard; and

11          (2) If the department determines that the new standard  
12          specification is less stringent and not consistent  
13          with state policies and programs, the department shall  
14          not adopt the new standard.

15          (c) The department shall review any new standard  
16 specification for compostable and if the department determines  
17 that the new standard specification is more stringent and  
18 consistent with state policies and programs, the department may  
19 adopt the new standard specification for compostable.

20          §342H-       Prohibition against biodegradable label;

21 **exception.** (a) No person shall sell a plastic product labeled



1 with the term "biodegradable" or imply that a plastic product  
2 will break down, fragment, biodegrade, or decompose in a  
3 landfill or other environment.

4 (b) A person may sell a plastic product that is labeled as  
5 "compostable" if the plastic product meets the applicable  
6 standard specification adopted by the department and the  
7 department has verified that the plastic product meets the  
8 adopted specification standard; provided that, in addition,  
9 compostable plastic products shall be:

10 (1) Clearly labeled with a certification logo indicating  
11 that the plastic product meets the adopted standard  
12 specifications;

13 (2) Green in color and labeled with the word "compostable"  
14 on both sides of the plastic product; and

15 (3) Not labeled with a recycling symbol.

16 §342H- Fines. Violators shall be fined:

17 (1) \$500 for the first violation;

18 (2) \$1,000 for the second violation; and

19 (3) \$2,000 for the third and subsequent violations."  
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# S.B. NO. 1170

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

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# S.B. NO. 1170

**Report Title:**

Environment; Plastic Products; Prohibition Against Biodegradable Labeling; Compostable; Penalties

**Description:**

Requires the department of health to adopt a standard specification for compostable and that plastic products labeled as "compostable" meet the applicable standard specification adopted by the department of health. Prohibits a person from selling plastic products labeled as "biodegradable" or implying that a plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment; and provides an exception for plastic products labeled as "compostable" if certain criteria are met. Establishes fines for violators. Takes effect on 1/1/2016.

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