

JAN 23 2025

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 BAGS**

5 **§342H-A Definitions.** As used in this part:

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

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

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



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

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

"Department" means the department of health.

"Mil" means one thousandth of one inch.

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

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

"Recyclable paper bag" means a paper bag that:

(1) Is one hundred per cent recyclable;

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



(3) Displays the words "reusable" and "recyclable" in a highly visible manner on the outside of the bag.

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

(1) Cloth or other washable fabric; or

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

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

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

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

(2) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;



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



1 **§342H-C Ban on single-use plastic bags and non-recyclable**
2 **paper bags.** (a) No business shall provide single-use plastic
3 bags or non-recyclable paper bags to any customer.

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

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

11 **§342H-D Penalties; injunctive relief.** (a) Any business
12 that violates any provision of this part shall:

13 (1) Discontinue the distribution of bags prohibited by
14 this part; and

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

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

20 **§342H-E Rules.** The department may adopt rules in
21 accordance with chapter 91 to implement this part.

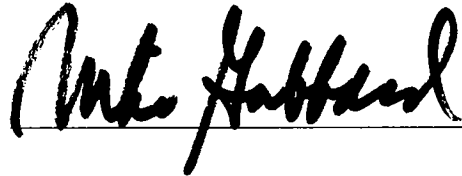


1 **§342H-F Relation to county ordinances.** This part shall
2 not prohibit the enactment or operation of any county ordinance
3 that is at least as stringent as this part; provided that no
4 county ordinance shall supersede or prevent the operation of
5 section 342H-C."

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

10 SECTION 3. This Act shall take effect upon its approval.

11
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Hubbard", is written over a horizontal line.

S.B. NO. 1551

Report Title:

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

Description:

Bans businesses from providing single-use plastic bags and non-recyclable paper bags to customers. Assesses a fee that businesses shall charge for allowable bags provided to customers. Establishes penalties.

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

