

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1           SECTION 1. While many consumers may like the convenience  
2 of getting complimentary plastic bags for purchases, the  
3 legislature recognizes the importance, both locally and  
4 globally, of Hawaii's participation in initiatives that  
5 encourage the use of reusable shopping bags.

6           Because retail establishments factor the cost of plastic  
7 bags into their prices, consumers who use reusable shopping bags  
8 assume costs for complimentary bags they do not use. In  
9 designing a mechanism to encourage reusable shopping bag use,  
10 this inequity should be addressed.

11           The purpose of this Act is to require retail establishments  
12 to give consumers a refund or credit for complimentary plastic  
13 bags that the consumer elects not to use for goods or products  
14 purchased.

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



1           "§342G-       Credit for non-use of plastic shopping bags.

2    (a) By January 1, 2011, each retail establishment that offers  
3 goods or other tangible products for sale and is located or  
4 doing business in the State shall establish a policy to provide  
5 the consumer with a refund or store credit if the consumer  
6 purchases goods or other tangible products for sale and elects  
7 not to utilize a plastic shopping bag offered at no additional  
8 charge by the retail establishment.

9           (b) The refund or store credit amount shall be equal to  
10 not less than five cents per plastic shopping bag not used for  
11 bagging the purchased goods or other tangible product or  
12 products.

13           (c) The following are exempt from this section:

14           (1) Shopping bags produced entirely from non-petroleum-  
15 based biodegradable plastic; and

16           (2) Additional exemptions established by the department in  
17 accordance with chapter 91.

18           (d) As used in this section, unless the context requires  
19 otherwise:

20           "Biodegradable plastic" means plastic made of cellulose-  
21 based or other substances that undergo significant changes in  
22 their chemical structure as a result of the action of naturally



1 occurring microorganisms such as bacteria, fungi, and algae.  
 2 The ultimate products of this process should be carbon dioxide,  
 3 water, or compost (humus). This biodegradation process shall  
 4 not generate any intermediate or final products that would be  
 5 detrimental to public health.

6 "Retail establishment" means a place where goods, food,  
 7 food products, wares, or products are offered to the public for  
 8 sale or lease, including but not limited to supermarkets,  
 9 grocery, and retail merchandise stores.

10 "Shopping bag" means any container distributed to consumers  
 11 at the point of sale at a retail establishment intended for use  
 12 in the transport of purchased or acquired items."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

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**Report Title:**

Plastic Shopping Bags; Refund; Credit; Solid Waste Management

**Description:**

Provides a refund or store credit to retail establishment customers who do not use plastic shopping bags offered by the retail establishment at no additional charge.

