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# A BILL FOR AN ACT

RELATING TO PLASTIC.

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

1 PART I

2 SECTION 1. The legislature finds that the local and global  
3 impact of the world's increasing waste stream is unsustainable  
4 and detrimental to the future of Hawaii's economy and people.  
5 There has been an exponential rise in single-use foodware items  
6 over the past few decades globally, with particularly high  
7 increases in plastics derived from fossil fuels. Single-use  
8 disposable foodware and packaging - including plastic bottles,  
9 caps, lids, straws, cups, and polystyrene and plastic containers  
10 - are major contributors to street and beach litter, ocean  
11 pollution, marine and other wildlife harm, and greenhouse gas  
12 emissions.

13 According to the United Nations, since the 1950s, the  
14 production of plastic has outpaced that of almost every other  
15 material. Much of the plastic produced is designed to be thrown  
16 away after being used only once. As a result, plastic packaging  
17 accounts for about half of the plastic waste in the world. Most



1 of this waste is generated in Asia, while America, Japan, and  
2 the European Union are the world's largest producers of plastic  
3 packaging waste per capita. The world's ability to cope with  
4 plastic waste is already overwhelmed as seen by the closing of  
5 recycling markets in China and Thailand. Even when recycling  
6 markets were open, only nine per cent of the 9,000,000,000 tons  
7 of plastic produced has been recycled. Most plastic ends up in  
8 landfills, dumps, incinerators, or in the environment. If the  
9 growth in plastic production continues at its current rate, then  
10 by 2050, the plastics industry will likely account for twenty  
11 per cent of the world's total oil consumption.

12 Hawaii has a goal of carbon neutrality by 2045 and embraces  
13 the United Nations sustainable development goals, including  
14 achieving sustainable management and the efficient use of  
15 natural resources, sound waste management, encouraging corporate  
16 sustainability practices, strengthening the State's reliance and  
17 adaptive capacity to climate-related hazards and natural  
18 disasters, sustainably managing and protecting our marine and  
19 coastal ecosystems, and reducing pollution. Decreasing the  
20 import and use of fossil fuel-based products like single-use  
21 plastics should become part of a movement toward reaching those



1 goals. For every one ton of waste seen at the end of life,  
2 seventy tons were created upstream in the extraction,  
3 production, and transportation sectors. Alternatives to  
4 plastics already exist for many take-out items and an industry  
5 of innovative change for packaging is advancing globally. Zero  
6 waste plastic reduction plans are moving forward all over the  
7 world, including within the European Union, Ethiopia, Costa  
8 Rica, and municipalities across the United States. The  
9 legislature finds that given the current trend, if Hawaii  
10 businesses are at the forefront of this movement, they will be  
11 less burdened by change.

12 Locally, plastic litter and debris can be increasingly  
13 found on every island and in every watershed and protected area  
14 from the remote Kalalau valley on Kauai to Kilauea caldera on  
15 Hawaii island. Hawaii's forests, streams, and beaches are  
16 strewn with plastic debris, including micro plastic debris  
17 smaller than grains of sand, which are consumed by the smallest  
18 of endangered birds to the humpback whale. Among other hazards,  
19 plastic debris attracts and concentrates ambient pollutants in  
20 seawater and freshwater, which can transfer to fish, other  
21 seafood, and salt that is eventually sold for human consumption.



1 Globally, ninety-five per cent of plastic packaging is discarded  
2 after a single use, at a cost of \$80,000,000,000 to  
3 \$120,000,000,000.

4 The legislature further finds that cleaning up plastic is a  
5 significant cost to Hawaii taxpayers. The cost of increasing  
6 cleanups by government agencies, businesses, and the general  
7 public is rising to account for expensive best management  
8 practices and mitigation. A study of over ninety counties in  
9 California recently concluded that taxpayers are paying  
10 \$428,000,000 per year to clean up plastic through storm drain  
11 management, street sweeping, and marine cleanups. San Diego  
12 county, which has an equivalent population to Hawaii at  
13 1,300,000 people, spends \$14,000,000 annually cleaning up  
14 plastic. In January 2019, San Diego county passed legislation  
15 to phase out polystyrene foam and other single-use plastics.  
16 The Hawaii department of transportation has produced a trash  
17 management plan that shows that polystyrene foam and plastic  
18 bags are the top two contributors to the waste stream and must  
19 be regularly removed from storm drains at a cost to the  
20 department.



1 Major news and research publications like *National*  
2 *Geographic* and *60 Minutes* are reporting on plastic pollution as  
3 one of the pressing environmental issues currently facing the  
4 world. Minimizing packaging and utilizing alternatives derived  
5 from compostable materials, which are now widely available, can  
6 benefit the State's economy as it shifts toward a system of  
7 responsible reuse, which is a foundational principle of Native  
8 Hawaiian culture. Additionally, the State's economy can become  
9 a leader in reducing waste by collaboratively working with  
10 businesses, as well as researching and implementing innovative  
11 solutions for all packaging coming into the State of Hawaii.

12 PART II

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

16 "§342H- Single-use plastic food items; prohibited. (a)  
17 No state or county agency shall purchase, use, sell, or  
18 distribute single-use plastic beverage bottles, utensils,  
19 stirring sticks, polystyrene foam containers, or straws after  
20 July 1, 2021.



1        (b) No restaurant, hotel, standard bar, or any other  
2 business where food or beverages are sold shall use, sell, or  
3 distribute single-use plastic beverage bottles, utensils,  
4 stirring sticks, polystyrene foam containers, or straws after  
5 July 1, 2022.

6        (c) No individual or business shall distribute, sell, or  
7 otherwise provide any form of plastic bag after July 1, 2023.

8        (d) For purposes of this section:

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

15        "Plastic" means any material made of petrochemical  
16 polymeric compounds and additives that can be shaped by flow,  
17 including plastic bags of any thickness, but not bioplastics  
18 that are biodegradable and bioactive and are made from biomass  
19 or renewable sources such as sugarcane, cornstarch, or cassava  
20 root, chips, or starch.



1 "Polystyrene" means a thermoplastic petrochemical material  
2 utilizing a styrene monomer, including all polystyrene, meaning  
3 any styrene or vinyl chloride polymer that is blown into a foam-  
4 like material. Polystyrene includes materials created from  
5 techniques including the fusion of polymer spheres (expandable  
6 bead polystyrene), injection molding, foam molding, and  
7 extrusion-blow molding (extruded foam polystyrene).

8 "Polystyrene foam container" means a container that is made  
9 using polystyrene.

10 "Restaurant" means an eating establishment, including but  
11 not limited to coffee shops, cafeterias, sandwich stands, food  
12 trucks, and private and public school cafeterias, that gives or  
13 offers for sale food or beverages to the public, guests, or  
14 employees, as well as kitchens and catering facilities in which  
15 food or beverage is prepared on the premises for serving  
16 elsewhere. The term "restaurant" includes a bar area within the  
17 restaurant and outdoor areas of restaurants."

18 PART III

19 SECTION 3. (a) There is established within the department  
20 of health for administrative purposes a plastic source reduction  
21 working group.



- 1 (b) The working group shall:
- 2 (1) Formulate a plan for eliminating single-use plastic
- 3 packaging from the Hawaii waste stream;
- 4 (2) Develop strategies to encourage reuse in the food
- 5 service industry, such as reusable container incentive
- 6 programs for customers;
- 7 (3) Provide recommendations for composting plastics in
- 8 Hawaii to encourage reuse of waste and create value
- 9 added products to be used in regenerating Hawaii's
- 10 agricultural potential; and
- 11 (4) Study and develop a systematic plan to phase out the
- 12 use of single-use plastic beverage containers.
- 13 (c) The membership of the working group shall be as
- 14 follows:
- 15 (1) The director of health or the director's designee;
- 16 (2) The chairperson of the board of land and natural
- 17 resources or the chairperson's designee;
- 18 (3) Four members, one to be appointed by each of the
- 19 respective mayors of the city and county of Honolulu
- 20 and the counties of Hawaii, Kauai, and Maui;
- 21 (4) A representative of the Surfrider Foundation;





- 1 (5) A representative of Zero Waste Oahu;
- 2 (6) A representative of the Hawaii Food Industry
- 3 Association;
- 4 (7) A representative of the Hawaii Restaurant Association;
- 5 (8) A representative of the Chamber of Commerce Hawaii;
- 6 and
- 7 (9) A representative of the Hawaii Tourism Association.

8 The representatives in paragraphs (4) through (9) shall be  
9 selected by the director of health.

10 (d) The members of the working group shall serve without  
11 compensation but shall be reimbursed for reasonable expenses,  
12 including travel expenses, consulting fees, and administrative  
13 expenses such as photocopying, postage, stationery, and office  
14 supplies incidental to the performance of their duties.

15 (e) The working group shall work with the department of  
16 health, the carbon sequestration task force, private  
17 stakeholders, public stakeholders, or any other group or  
18 individuals the working group deems necessary.

19 (f) The working group shall submit a report of its  
20 findings and recommendations, including recommendations for  
21 pilot projects for Hawaii businesses to phase out single-use



1 plastic packaging, promote reuse, and find sustainable  
2 alternatives for packaging, as well as any proposed legislation,  
3 to the legislature no later than twenty days prior to the  
4 convening of the regular session of 2021.

5 SECTION 4. The working group shall cease to exist on  
6 June 30, 2022.

7 SECTION 5. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$25,000 or so much  
9 thereof as may be necessary for fiscal year 2019-2020 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2020-2021 for expenses arising out of the activities of the  
12 plastic source reduction working group established pursuant to  
13 section 3 of this Act.

14 The sums appropriated shall be expended by the department  
15 of health for the purposes of this Act.

16 PART IV

17 SECTION 6. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on March 15, 2050.



**Report Title:**

Plastic Food Packaging; Plastic Bags; Single-use Beverage Containers; Prohibition; Plastic Source Reduction Working Group; Appropriation

**Description:**

Prohibits the purchase, use, sale, or distribution of plastic beverage bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state and county agencies after July 1, 2021, and by businesses selling food and beverages after July 1, 2022. Bans the distribution or sale of plastic bags after July 1, 2023. Creates the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging. Appropriates funds. Takes effect 3/15/2050. (SD2)

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

