

JAN 16 2020

A BILL FOR AN ACT

RELATING TO SINGLE-USE PLASTICS.

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

1 SECTION 1. Chapter 342G, 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 PLASTICS**

5 **§342G-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 checkout bag that is
13 provided to a customer for purposes of transporting groceries or
14 other retail goods, that meets current ASTM D6400 standard
15 specifications for compostable plastics and that is labeled
16 with:



1 (1) The biodegradable product institute (BPI) logo as
2 meeting the ASTM standard for compostability; and

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

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

10 "Mil" means one thousandth of one inch.

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

13 "Plastic checkout bag" means a carryout bag that is
14 provided by a business to a customer for purposes of
15 transporting groceries or other retail goods, is made from
16 plastic, and is not specifically designed and manufactured for
17 multiple reuse, except:

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



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



1 "Plastic film bag" means a plastic bag made out of thin
2 flexible sheets of plastic with a thickness of ten mils or less,
3 except:

- 4 (1) Bags used by customers inside a business to package
5 loose items including fruits, vegetables, nuts, ground
6 coffee, grains, candies, or small hardware items;
- 7 (2) Bags used to contain or wrap frozen foods, meat or
8 fish, flowers or potted plants, or other items used to
9 contain dampness;
- 10 (3) Bags provided by pharmacists to contain prescription
11 medications;
- 12 (4) Newspaper bags for home newspaper delivery;
- 13 (5) Door-hanger bags;
- 14 (6) Laundry, dry cleaning, or garment bags, including bags
15 provided by hotels to guests to contain wet or dirty
16 clothing;
- 17 (7) Bags sold in packages containing multiple bags
18 intended for use as garbage, pet waste, or yard waste
19 bags;
- 20 (8) Bags used to contain live animals, including fish or
21 insects sold in pet stores; or



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1 (9) Bags used to transport chemical pesticides, drain-
2 cleaning chemicals, or other caustic chemicals sold at
3 retail; provided that this exemption shall be limited
4 to one bag per customer.

5 "Plastic service ware" means single-use plastic straws,
6 stirrers, and utensils.

7 "Recyclable paper bag" means a paper bag that:

- 8 (1) Is one hundred per cent recyclable;
- 9 (2) Contains a minimum of forty per cent post-consumer
10 recycled content; and
- 11 (3) Displays the words "reusable" and "recyclable" in a
12 highly visible manner on the exterior of the bag.

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

- 16 (1) Cloth or other washable fabric; or
 - 17 (2) Durable material suitable for reuse, including plastic
18 that is at least 2.25 mils thick;
- 19 provided that "reusable bag" does not include plastic film bags.

20 "Single-use" means designed to be used once and discarded
21 and not designed for repeated use and sanitation.



1 "Utensils" means single-use plastic implements intended to
2 assist in the consumption food, including but not limited to
3 spoons, forks, and knives.

4 **§342G-B Ban on plastic checkout bags and non-recyclable**
5 **paper bags.** (a) Except as provided in subsections (b) and (c),
6 businesses shall be prohibited from providing plastic checkout
7 bags and non-recyclable paper bags to customers at the point of
8 sale for purposes of transporting groceries or other
9 merchandise.

10 (b) Businesses may provide, at the point of sale, reusable
11 bags or recyclable paper bags to customers for purposes of
12 transporting groceries or other merchandise, provided that the
13 customer is charged by the business a minimum of fifteen cents
14 per bag. Businesses shall not provide compostable plastic bags
15 at the point of sale for the purposes of transporting groceries
16 or other merchandise.

17 (c) All moneys collected pursuant to subsection (b) shall
18 be deposited into the environmental management special fund.
19 All interest earned on accrued moneys deposited in the fund
20 shall become a part of the fund.



1 (d) Nothing in this section shall be interpreted as
2 prohibiting businesses from providing non-recyclable paper bags,
3 with or without charge, to protect or transport prepared foods,
4 beverages, or bakery goods.

5 **§342G-C Single-use plastics; food vending; food packaging;**
6 **prohibited.** (a) Unless otherwise exempted pursuant to section
7 339-D, no food vendor in the State shall serve prepared food in
8 any polystyrene foam container that is manufactured with the use
9 of or containing chlorofluorocarbons. The department may
10 require a food vendor, supplier, or distributor to furnish a
11 written statement from the manufacturer or supplier of the
12 container used by the food vendor, indicating that use of the
13 container is not prohibited.

14 (b) Unless otherwise exempted pursuant to section 339-D,
15 no food vendor shall provide plastic service ware to any
16 customer.

17 (c) Unless otherwise exempted pursuant to section 339-D,
18 no food packager shall package meat, eggs, bakery products, or
19 other food in any polystyrene foam container that is
20 manufactured with the use of or containing chlorofluorocarbons.
21 The department may require the manufacturer or supplier of the



1 container used by the food packager to furnish a written
2 statement from the manufacturer of the packaging, indicating
3 that use of the container is not prohibited.

4 **§342G-D Single-use plastics; exemptions.** The department
5 may grant an exemption from compliance section 342G-C, upon
6 application and a showing by the applicant that compliance with
7 prohibitions of section 342G-C would cause undue hardship. For
8 purposes of this section, "undue hardship" shall include
9 situations in which:

- 10 (1) There are no acceptable alternatives to packaging with
11 polystyrene foam containers for reasons that are
12 unique to the applicant; or
13 (2) Compliance with section 342G-C would deprive a person
14 of a legally protected right.

15 **§342G-E Penalties and injunctive relief.** (a) Any
16 business that violates any provision of this article or any rule
17 adopted pursuant to this chapter shall be:

- 18 (1) Ordered to discontinue the distribution of bags
19 prohibited by this chapter at the point of sale; and
20 (2) Subject to a civil fine of not less than \$100 and not
21 more than \$1,000 for each day of violation.



1 (b) The director may initiate a civil action in any court
2 of competent jurisdiction for injunctive or other relief to:

3 (1) Correct or abate violations of this chapter or any
4 rule adopted pursuant to this chapter;

5 (2) Collect administrative penalties; or

6 (3) Obtain other relief.

7 **§342G-F Rules.** The director shall adopt rules pursuant to
8 chapter 91 for purposes of implementation, administration, and
9 enforcement of this chapter."

10 SECTION 2. Section 342G-63, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) All moneys collected pursuant to section 342G-B and
13 section 342G-62 shall be deposited into the environmental
14 management special fund. All interest earned or accrued on
15 moneys deposited into the fund shall become a part of the fund."

16 SECTION 3. In codifying the new sections added by section
17 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.



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1 SECTION 4. This Act does not affect rights and duties that
 2 matured, penalties that were incurred, and proceedings that were
 3 begun before its effective date.

4 SECTION 5. If any provision of this Act, or the
 5 application thereof to any person or circumstance, is held
 6 invalid, the invalidity does not affect other provisions or
 7 applications of the Act that can be given effect without the
 8 invalid provision or application, and to this end the provisions
 9 of this Act are severable.

10 SECTION 6. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

Dan Claitor
Michelle D. Tidani

DK

Janine S. Brown
~~*DC. Kah-Dee*~~



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Report Title:

Department of Health; Integrated Solid Waste Management; Single-Use Plastics; Plastic Bags; Plastic Service Ware; Ban

Description:

Prohibits the use and distribution in the State of certain single-use plastics. Requires all moneys collected for the provision of reusable or recyclable bags to be deposited in the environmental management special fund.

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

