

JAN 20 2023

A BILL FOR AN ACT

RELATING TO SINGLE-USE PLASTICS.

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

1 SECTION 1. The legislature finds that single-use plastics
2 are goods made from fossil fuel-based petrochemicals that are
3 intended to be disposed of shortly after use. Single-use
4 plastics are an example of a "throwaway culture" that
5 prioritizes convenience over durability and sustainability.
6 Globally, around three hundred million tons of plastic are
7 produced each year, even though less than ten percent of
8 plastics ever produced have been recycled. Instead, discarded
9 plastics wind up in landfills, incinerators, and the
10 environment, ultimately breaking apart into tiny toxic pieces
11 called microplastics that contaminate our water, food, and even
12 the air. Plastic pollution is a major threat to the ocean, the
13 environment, and human health. Furthermore, according to a 2021
14 report from Beyond Plastics, the plastic industry is on track to
15 overtake coal as a source of atmospheric greenhouse gas
16 emissions.



1 The legislature further finds that hotels and other lodging
2 establishments frequently provide complimentary toiletries that
3 are packaged in single-use plastic containers. This is not in
4 alignment with the Hawai'i tourism authority's strategic plan,
5 which cites the goals of promoting sustainable tourism,
6 preserving natural resources, and advocating for responsible
7 tourism in Hawai'i that minimizes negative environmental impacts.
8 Some hotels have already transitioned away from single-use
9 plastics and instead provide bulk dispensers for personal-care
10 products, or complimentary toiletries in packaging made of
11 sustainable materials. Therefore, the legislature finds that
12 there is an opportunity to reduce harmful plastic waste in
13 Hawai'i while making our visitor industry more sustainable at the
14 same time. The legislature also finds that California and New
15 York have both already passed laws to do this.

16 Accordingly, the purpose of this Act is to prohibit the use
17 of complimentary toiletries packaged in single-use plastic
18 containers in hotels and other lodging establishments in Hawai'i.

19 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
20 amended by adding a new section to part II to be appropriately
21 designated and to read as follows:



1 "§342H- Personal care products; small plastic
2 containers; lodging establishments; prohibited. (a) Beginning
3 on:
4 (1) January 1, 2025, for lodging establishments with more
5 than fifty sleeping room accommodations; and
6 (2) January 1, 2027, for lodging establishments with fifty
7 or fewer sleeping room accommodations,
8 no lodging establishment shall provide a small plastic container
9 containing a personal care product to any person staying in a
10 sleeping room accommodation, in any space within the sleeping
11 room accommodation, or in any bathroom used by the public or
12 guests.
13 (b) A lodging establishment may:
14 (1) Use bulk dispensers of personal care products; and
15 (2) Provide personal care products packaged in a container
16 made from non-plastic materials to a person, upon
17 request, at a place other than:
18 (A) A sleeping room accommodation;
19 (B) A space within the sleeping room accommodation;
20 or
21 (C) Within any bathroom used by the public or guests.



1 (c) The department may inspect the sleeping accommodations
2 and any bathroom used by the public or guests in each lodging
3 establishment and shall issue a citation for any violation of
4 subsection (a). Any lodging establishment that violates
5 subsection (a) shall be subject to a civil penalty of \$500 for
6 the first violation and \$2,000 for a second or subsequent
7 violation. The attorney general may bring an action to impose a
8 civil penalty pursuant to this subsection. Each day of
9 continued violation under this section shall constitute a
10 separate and distinct offense for which the lodging
11 establishment may be penalized.

12 (d) Nothing in this section shall prohibit the enactment
13 or implementation of any county ordinance that is at least as
14 stringent as this section.

15 (e) The department may adopt rules pursuant to chapter 91
16 to implement this section.

17 (f) As used in this section:

18 "Lodging establishment" means an establishment that
19 contains one or more sleeping room accommodations that are
20 rented or otherwise provided to the public, including a hotel,
21 condominium hotel, motel, resort, bed and breakfast home,



1 transient vacation rental, transient accommodation, or hosted
2 rental. "Lodging establishment" does not include a hospital,
3 nursing home, residential retirement community, prison, jail,
4 correctional facility, homeless shelter, boarding school, worker
5 housing, or long-term rental home.

6 "Personal care product" means shampoo, hair conditioner, or
7 bath soap.

8 "Plastic" means any synthetic material made from organic
9 polymers, such as polyethylene, polyvinyl chloride, or nylon,
10 that can be molded into shape while soft and then set into a
11 rigid or slightly elastic form. "Plastic" includes all
12 materials identified with resin codes one to seven, as provided
13 in section 342H-42.

14 "Small plastic container" means a plastic bottle or
15 container that has a capacity of six ounces or less and is not
16 intended to be reused by the end user.

17 "Transient accommodation" shall have the same meaning as in
18 section 237D-1."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

3

INTRODUCED BY: *Mike Hubbard*



S.B. NO. 659

Report Title:

Personal Care Products; Small Plastic Containers; Lodging Establishments; Prohibition

Description:

Prohibits lodging establishments from providing personal care products in small plastic containers within sleeping room accommodations, any space within sleeping room accommodations, or bathrooms used by the public or guests. Establishes civil penalties.

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