

JAN 22 2021

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, meets current ASTM D6400 standard
15 specifications for compostable plastics, and is labeled with:

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



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

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

8 "Mil" means one thousandth of one inch.

9 "Non-recyclable paper bag" means a paper bag that is not a
10 recyclable paper bag. "Non-recyclable paper bag" does not
11 include paper bags used to protect or transport prepared foods,
12 beverages, or bakery goods.

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. "Plastic checkout bag" does not include:

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 "Plastic film bag" does not include:

- 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



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 or any bag specifically excluded from the definition of plastic
21 film bag.



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

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

6 §342G-B Plastic checkout bags; compostable plastic bags;
7 non-recyclable paper bags; prohibited. (a) Except as provided
8 in subsection (b) businesses shall be prohibited from providing
9 plastic checkout bags, compostable plastic bags, and non-
10 recyclable paper bags to customers at the point of sale for
11 purposes of transporting groceries or other merchandise.

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

17 (c) All moneys collected pursuant to subsection (b) shall
18 be deposited into the environmental management special fund
19 established pursuant to section 342G-63.

20 §342G-C Single-use plastics; food vending; food packaging;
21 prohibited. (a) Unless otherwise exempted pursuant to section



1 342G-D, no food vendor in the State shall serve prepared food in
2 any polystyrene foam container that is manufactured with the use
3 of or containing chlorofluorocarbons. The department may
4 require a food vendor, supplier, or distributor to furnish a
5 written statement from the manufacturer or supplier of the
6 container used by the food vendor, indicating that use of the
7 container is not prohibited.

8 (b) Unless otherwise exempted pursuant to section 342G-D,
9 no food vendor shall provide plastic service ware to any
10 customer.

11 (c) Unless otherwise exempted pursuant to section 342G-D,
12 no food packager shall package meat, eggs, bakery products, or
13 other food in any polystyrene foam container that is
14 manufactured with the use of or containing chlorofluorocarbons.
15 The department may require the manufacturer or supplier of the
16 container used by the food packager to furnish a written
17 statement from the manufacturer of the packaging, indicating
18 that use of the container is not prohibited.

19 **§342G-D Single-use plastics; exemptions.** The department
20 may grant an exemption from section 342G-C, upon application and
21 a showing by the applicant that compliance with the prohibitions



1 of section 342G-C would cause undue hardship. For purposes of
2 this section, "undue hardship" shall include situations in
3 which:

- 4 (1) There are no acceptable alternatives to packaging with
- 5 polystyrene foam containers for reasons that are
- 6 unique to the applicant; or
- 7 (2) Compliance with section 342G-C would deprive a person
- 8 of a legally protected right.

9 **§342G-E Penalties and injunctive relief.** (a) Any
10 business that violates any provision of this article or any rule
11 adopted pursuant to this chapter shall be:

- 12 (1) Ordered to discontinue the distribution of bags,
- 13 containers, or service ware prohibited by this chapter
- 14 at the point of sale; and
- 15 (2) Subject to a civil fine of not less than \$100 and not
- 16 more than \$1,000 for each day of violation.

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

- 19 (1) Correct or abate violations of this chapter or any
- 20 rule adopted pursuant to this chapter;
- 21 (2) Collect administrative penalties; or



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1 (3) Obtain other relief."

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

4 "(b) All moneys collected pursuant to 342G-62 and section
5 342G-B shall be deposited into the environmental management
6 special fund. All interest earned or accrued on moneys
7 deposited into the fund shall become a part of the fund."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 5. In codifying the new sections added by section
18 1 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 6. New statutory material is underscored.



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1 SECTION 7. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY:

transcribed



S.B. NO. 249

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.

