

JAN 21 2022

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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1           SECTION 1. The legislature finds that tourism is Hawaii's  
2 main economic driver. The use of single-use toiletries in  
3 hotels and other lodging establishments contributes to plastic  
4 waste locally and globally. California and New York have  
5 recently passed laws that prohibit hotels, bed and breakfast  
6 homes, and short-term vacation rentals from providing single-use  
7 personal care products and instead encourage these  
8 establishments to incorporate bulk personal care products as an  
9 alternative.

10           Therefore, the purpose of this Act is to prohibit the use  
11 of complimentary single-use toiletries in hotels and other  
12 lodging establishments in Hawaii.

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-           Personal care products; small plastic bottles;  
17 lodging establishments; prohibition. (a) Beginning:



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1        (1) On January 1, 2024, for lodging establishments with  
2            more than fifty sleeping room accommodations; and  
3        (2) On January 1, 2025, for lodging establishments with  
4            fifty or fewer sleeping room accommodations,  
5 a lodging establishment shall not provide a small plastic bottle  
6 containing a personal care product to a person staying in a  
7 sleeping room accommodation, in any space within the sleeping  
8 room accommodation, or within any bathrooms used by the public  
9 or guests.

10        (b) A lodging establishment may:

11            (1) Use bulk dispensers of personal care products; and

12            (2) Provide personal care products in small plastic  
13            bottles to a person at no cost, upon request, at a  
14            place other than:

15            (A) A sleeping room accommodation;

16            (B) A space within the sleeping room accommodation;

17            or

18            (C) Within any bathrooms used by the public or  
19            guests.

20        (c) The department may inspect sleeping accommodations in  
21 a lodging establishment and may issue a citation for a violation



1 of subsection (a). Upon a first violation, the department shall  
2 issue a written warning. Upon a second or subsequent violation,  
3 the department may impose a fine of \$500 for each day that the  
4 lodging establishment violates subsection (a); provided that the  
5 fine shall not exceed \$2,000 annually.

6 (d) A lodging establishment that violates subsection (a)  
7 shall be subject to a civil penalty of \$500 for the first  
8 violation and \$2,000 for a second or subsequent violation. The  
9 attorney general may bring an action to impose a civil penalty  
10 pursuant to this subsection. Each day of continued violation  
11 under this section shall constitute a distinct and separate  
12 offense for which the lodging establishment may be penalized.

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

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

18 (g) As used in this section:

19 "Bed and breakfast home" means a single-family dwelling in  
20 which overnight accommodations are provided to guests for  
21 compensation, for periods of less than thirty days, in the same



1 dwelling as that occupied by an owner, lessee, operator, or  
2 proprietor of the dwelling.

3 "Hosted rental" means a house, apartment, or other livable  
4 space where the person providing sleeping accommodations is a  
5 permanent resident who lives on the premises.

6 "Lodging establishment" means an establishment that  
7 contains one or more sleeping room accommodations that are  
8 rented or otherwise provided to the public, including a hotel,  
9 condominium hotel, motel, resort, bed and breakfast home,  
10 transient vacation rental, or transient accommodation. "Lodging  
11 establishment" does not include a hospital, nursing home,  
12 residential retirement community, prison, jail, correctional  
13 facility, homeless shelter, boarding school, worker housing,  
14 long-term rental home, or hosted rental.

15 "Personal care product" means shampoo, hair conditioner, or  
16 bath soap.

17 "Plastic" means any synthetic material made from organic  
18 polymers, such as polyethylene, polyvinyl chloride, or nylon,  
19 that can be molded into shape while soft and then set into a  
20 rigid or slightly elastic form. "Plastic" includes all



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1 materials identified with resin codes one to seven, as provided  
2 in section 342H-42.

3 "Small plastic bottle" means a plastic bottle or container  
4 with less than a six-ounce capacity that is intended to be  
5 nonreusable by the end user.

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

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. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

*Jane Acasio*



# S.B. NO. 2847

**Report Title:**

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

**Description:**

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

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

