

JAN 23 2025

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# A BILL FOR AN ACT

RELATING TO PLASTIC.

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

1           SECTION 1. Chapter 342H, 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 PLASTIC BAGS**

5           **§342H-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 bag that is provided to a  
13 customer for the purpose of transporting groceries or other  
14 retail goods, that meets current ASTM D6400 standard  
15 specifications for compostability, and that is labeled with:

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



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

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

8           "Department" means the department of health.

9           "Mil" means one thousandth of one inch.

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

12          "Pass-through charge" means a charge of 10 cents per bag to  
13 be collected by businesses from their customers when providing  
14 recyclable paper bags, reusable bags, or compostable plastic  
15 bags, and retained by businesses to offset the cost of bags and  
16 other related costs.

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

18          (1) Is one hundred per cent recyclable;

19          (2) Contains a minimum of forty per cent post-consumer  
20          recycled content; and



1 (3) Displays the words "reusable" and "recyclable" in a  
2 highly visible manner on the outside of the bag.

3 "Reusable bag" means a bag with handles that is  
4 specifically designed and manufactured for multiple reuse and is  
5 made of:

6 (1) Cloth or other washable fabric; or

7 (2) Durable material suitable for reuse, including plastic  
8 that is at least 2.25 mils thick.

9 "Single-use plastic bag" means a bag that is provided at  
10 the point of sale by a business to a customer for the purpose of  
11 transporting groceries or other retail goods, is made from  
12 non-compostable plastic, and is not specifically designed and  
13 manufactured for multiple reuse.

14 **§342H-B Inapplicability of part.** This part shall not  
15 apply to:

16 (1) Bags used by customers inside a business to package  
17 loose items, such as fruits, vegetables, nuts, ground  
18 coffee, grains, candies, or small hardware items;

19 (2) Bags used to contain or wrap frozen foods, meat or  
20 fish, flowers or potted plants, or other items to  
21 contain dampness;



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



1           **§342H-C Ban on single-use plastic bags and non-recyclable**  
2 **paper bags.** (a) No business shall provide single-use plastic  
3 bags or non-recyclable paper bags to any customer.

4           (b) All businesses shall charge customers a pass-through  
5 charge for every recyclable paper bag, reusable bag, or  
6 compostable plastic bag provided at the point of sale.

7           (c) All businesses shall indicate on the customer  
8 transaction receipt the total number of recyclable paper bags,  
9 compostable plastic bags, or reusable bags provided and the  
10 total amount of the pass-through charge.

11           **§342H-D Penalties; injunctive relief.** (a) Any business  
12 that violates any provision of this part shall:

13           (1) Discontinue the distribution of bags prohibited by  
14 this part; and

15           (2) Be assessed a fine of not less than \$100, but not more  
16 than \$1,000 for each day of the violation.

17           (b) The department may apply for and the court may grant  
18 an injunction restraining any business from violating this part  
19 or any rule adopted pursuant to this part.

20           **§342H-E Rules.** The department may adopt rules in  
21 accordance with chapter 91 to implement this part.





# S.B. NO. 1551

**Report Title:**

Single-use Plastic Bags; Non-recyclable Paper Bags; Ban; Penalties

**Description:**

Bans businesses from providing single-use plastic bags and non-recyclable paper bags to customers. Assesses a fee that businesses shall charge for allowable bags provided to customers. Establishes penalties.

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

