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# A BILL FOR AN ACT

RELATING TO RECYCLING.

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

SECTION 1. The legislature finds that plastic bags create unsightly litter, add additional burdens to Hawaii landfills, and require the use of millions of barrels of crude oil for their manufacture. Plastics take decades to break down and present a significant, long-lasting hazard to the environment.

The counties of Maui and Kauai have implemented ordinances to ban plastic shopping bags and encourage the use of reusable or recyclable bags to transport goods and groceries starting in 2011. Other cities that have passed legislation to ban plastic shopping bags include Los Angeles, San Francisco, and Malibu, California, and Westport, Connecticut.

The legislature further finds that the State has an interest in protecting its natural environment, eliminating litter, and decreasing the number of plastic bags flowing into its landfills and must follow the emerging domestic trend of environmental protection.

The purpose of this Act is to protect Hawaii's environment by banning at-store provision of plastic carryout bags beginning on July 1, 2012.

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

**"PART . PLASTIC CARRYOUT BAG PROHIBITION**

**§342H-A Definitions.** As used in this part, unless the context otherwise requires:

"Business" means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legally cognizable entity, whether for-profit or not-for-profit, and includes all employees of the business or any independent contractors associated with the business.

"Operator" means a person in control of or having responsibility for the daily operation of a store and includes the owner of the store.

"Plastic carryout bag" means a plastic bag that is a bag made from noncompostable plastic or compostable plastic, and is not specifically designed and manufactured for multiple re-use and provided by a business to a customer at the point of sale and used to carry items purchased by the customer.

"Reusable bag" means a bag that is specifically designed and manufactured for multiple re-use and is made of cloth or other washable fabric, or made of durable material suitable for reuse.

**§342H-B Plastic carryout bag; prohibition.** (a) Beginning on July 1, 2012, all business operators are prohibited from providing plastic carryout bags to consumers at the point of sale for the purpose of transporting groceries or other goods.

(b) All business operators shall be required to provide or sell reusable bags to consumers to transport groceries or other goods.

**§342H-C Administrative penalties.** In addition to any civil remedy provided by law, the director may impose, by order, the following administrative penalties for violation of this part:

- (1) For a first violation, a fine of not more than \$100;
- (2) For a second violation within one year, a fine of not more than \$200; and
- (3) For a third or subsequent violation within one year, a fine of not more than \$500;

provided that each issuance by a business operator or any of the business

operator's employees of a plastic carryout bag in violation of section 342H-B shall constitute a separate violation.

Fines collected pursuant to this part shall be deposited into the general fund.

**§342H-D Injunctive and other relief.** The director may institute a civil action in any court of competent jurisdiction for injunctive and other relief to prevent a violation of this part, to collect administrative penalties, or to obtain other relief.

**§342H-E Rules.** Pursuant to chapter 91, the department may adopt rules necessary for the purposes of this part."

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

SECTION 4. Nothing in this Act shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal law.

SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. This Act shall take effect upon its approval.

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

**Report Title:**

Plastics ban; Environment

**Description:**

Creates a ban on plastic bags effective July 1, 2012.

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