

Report Title:

Plastic Shopping Bags; Refund; Credit; Solid Waste Management

Description:

Provides a refund or store credit to retail establishment customers who do not use plastic shopping bags offered by the retail establishment at no additional charge.

A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

SECTION 1. While many consumers may like the convenience of getting complimentary plastic bags for purchases, the legislature recognizes the importance, both locally and globally, of Hawaii's participation in initiatives that encourage the use of reusable shopping bags.

Because retail establishments factor the cost of plastic bags into their prices, consumers who use reusable shopping bags assume costs for complimentary bags they do not use. In designing a mechanism to encourage reusable shopping bag use, this inequity should be addressed.

The purpose of this Act is to require retail establishments to give consumers a refund or credit for complimentary plastic bags that the consumer elects not to use for goods or products purchased.

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

"§342G- Credit for non-use of plastic shopping bags. (a) By January 1, 2011, each retail establishment that offers goods or other tangible products for sale and is located or doing business in the State shall establish a policy to provide the consumer with a refund or store credit if the consumer purchases goods or other tangible products for sale and elects not to utilize a plastic shopping bag offered at no additional charge by the retail establishment.

(b) The refund or store credit amount shall be equal to not less than

five cents per plastic shopping bag not used for bagging the purchased goods or other tangible product or products.

(c) The following are exempt from this section:

(1) Shopping bags produced entirely from non-petroleum-based biodegradable plastic; and

(2) Additional exemptions established by the department in accordance with chapter 91.

(d) As used in this section, unless the context requires otherwise:

"Biodegradable plastic" means plastic made of cellulose-based or other substances that undergo significant changes in their chemical structure as a result of the action of naturally occurring microorganisms such as bacteria, fungi, and algae. The ultimate products of this process should be carbon dioxide, water, or compost (humus). This biodegradation process shall not generate any intermediate or final products that would be detrimental to public health.

"Retail establishment" means a place where goods, food, food products, wares, or products are offered to the public for sale or lease, including but not limited to supermarkets, grocery, and retail merchandise stores.

"Shopping bag" means any container distributed to consumers at the point of sale at a retail establishment intended for use in the transport of purchased or acquired items."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2009.

INTRODUCED BY: _____