



A BILL FOR AN ORDINANCE

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

The Council finds that to protect health, life and property and preserve the order and security of the City and its inhabitants, and, in furtherance of the findings and determinations set forth in Revised Ordinances of Honolulu 1990 Section 9-1.1, relating to the collection and disposal of refuse, this ordinance is intended to reduce the volume of plastic and non-recyclable paper bags that are disposed of as solid waste.

SECTION 2. The following amendment takes effect on January 1, 2020. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "plastic checkout bag" to read as follows:

""Plastic checkout bag":

- (1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from [~~non-compostable~~] plastic and not specifically designed and manufactured for multiple re-use;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
 - (D) Bags provided by pharmacists to contain prescription medications;
 - (E) Newspaper bags for home newspaper delivery;
 - (F) Door-hanger bags;



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- (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer[; ~~or~~
- (K) ~~Compostable plastic bags]."~~

SECTION 3. The following amendment takes effect on July 1, 2018. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "plastic film bag" to read as follows:

"Plastic film bag":

- (1) Means a plastic bag made out of thin flexible sheets of plastic with a thickness of 10 mils or less;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
 - (D) Bags provided by pharmacists to contain prescription medications;
 - (E) Newspaper bags for home newspaper delivery;
 - (F) Door-hanger bags;



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- (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
- (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer."

SECTION 4. The following amendment takes effect on July 1, 2018. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "reusable bag" to read as follows:

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick. After January 1, 2020, plastic film bags shall no longer be considered to be "reusable bags."

SECTION 5. The following amendment takes effect on July 1, 2018. Section 9-9.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-9.2 Ban on plastic checkout bags and non-recyclable paper bags.

- (a) [Businesses] Except as provided in subsections (b) and (c), businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. [~~Nothing in this article shall preclude a business from making available to customers, with or without charge, at the point of sale: 1)~~]
- (b) Businesses may provide, at the point of sale, reusable bags, compostable plastic bags, or recyclable paper bags to customers for the purpose of transporting groceries or other merchandise[; or-2], provided that they charge the customer a minimum of 15 cents per bag.
- (c) Nothing in this article shall be interpreted as prohibiting businesses from providing non-recyclable paper bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.



CITY COUNCIL
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- (d) After January 1, 2020, compostable plastic bags shall no longer be provided at the point of sale for the purpose of transporting groceries or other merchandise."

SECTION 6. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 7. Section 2 of this ordinance takes effect on January 1, 2020.
Sections 3, 4, and 5 take effect on July 1, 2018.

INTRODUCED BY:

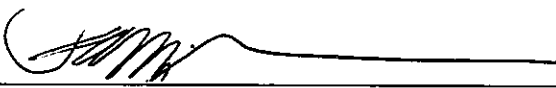
Brandon Elefante

DATE OF INTRODUCTION:

September 28, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel **KAMILLA C.K. CHAN**

APPROVED this 24th day of July, 20 17.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 17-37

BILL 59 (2016), FD1, CD3

Introduced: 09/28/16 By: BRANDON ELEFANTE

Committee: PUBLIC WORKS,
INFRASTRUCTURE AND
SUSTAINABILITY

Title: A BILL FOR AN ORDINANCE RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

Voting Legend: * = Aye w/Reservations

10/05/16	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
02/08/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	BILL DEFERRED IN COMMITTEE.
03/08/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-93(17) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
03/11/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
03/22/17	COUNCIL/PUBLIC HEARING	CR-93(17) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 7 AYES: ANDERSON*, ELEFANTE*, FUKUNAGA, KOBAYASHI*, MANAHAN, MENOR, PINE. 2 NOES: MARTIN OZAWA.
03/31/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/03/17	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-185(17) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
05/10/17	COUNCIL	NOTE: FD1 POSTED ON THE AGENDA WAS NOT CONSIDERED. BILL AMENDED TO HAND-CARRIED FD1 (OCS2017-0522/5/10/2017 10:34 AM). 5 AYES: FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA. 4 NOES: ANDERSON, ELEFANTE, MANAHAN, PINE. NOTE: PURSUANT TO COUNCIL RULE 19:E, FINAL ACTION ON CR-185(17) AND BILL 59 (2016), CD2, FD1 WILL BE TAKEN AT THE JUNE 7, 2017 COUNCIL MEETING.
06/07/17	COUNCIL	BILL FAILED TO BE AMENDED TO POSTED FD2. 4 AYES: ANDERSON, ELEFANTE, MANAHAN, PINE. 5 NOES: FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA. CR-185(17) AND BILL 59 (2016), CD2, FD1 WERE RECOMMITTED TO THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY. 5 AYES: FUKUNAGA, KOBAYASHI, MARTIN, MENOR, OZAWA. 4 NOES: ANDERSON, ELEFANTE, MANAHAN, PINE.

06/28/17 PUBLIC WORKS, CR-268(17) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD
INFRASTRUCTURE READING AS AMENDED IN CD3 FORM.
AND
SUSTAINABILITY

07/12/17 COUNCIL CR-268(17) ADOPTED AND BILL 59 (2016), FD1, CD3 PASSED THIRD READING AS
AMENDED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,
MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



RON MENOR, CHAIR AND PRESIDING OFFICER