

## Article 9. Regulation of Bags Provided to Customers\*

\*Editor's Note: Article 9 is effective July 1, 2015.

### Sections:

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### Sec. 9-9.1 Definitions.

Unless otherwise expressly stated, the following terms shall have the following meanings:

**"Business"** means any commercial enterprise or establishment operating in the City and County of Honolulu, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

**"Compostable plastic bag"** means a checkout bag that is provided to a customer for the purpose of transporting groceries or other retail goods, that meets current ASTM D6400 Standard Specifications for compostability and that is labeled:

- (1) With the Biodegradable Product Institute ("BPI") logo as meeting the ASTM standard for compostability; and
- (2) With "Compostable" on both sides of the bag in either green color lettering that is at least one inch in height, or as otherwise specified; or within a green color band that is at least one inch in height in order to be readily and easily identifiable.

**"Customer"** means a person who purchases merchandise from a business.

**"Department"** means the department of environmental services.

**"Director"** means the director of environmental services or the director's designee.

**"Mil"** means one thousandth of one inch.

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

**"Plastic checkout bag"** (effective until 12-31-19):

- (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;
- (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;
- (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.

**“Plastic checkout bag”** (effective 1-1-20):

- (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 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;

- (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.

**"Plastic film bag"** (effective 1-1-18):

(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;
- (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.

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

(1) is one hundred percent recyclable,

(2) contains a minimum of forty percent post-consumer recycled content, and

(3) displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bags.

“**Reusable bag**” (effective 1-1-18) 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.”

(Added by Ord. 12-8; Am. Ord. 14-29, 17-37)

**Sec. 9-9.2 Ban on plastic checkout bags and non-recyclable paper bags.** (effective 7-1-18)

(a) 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.

(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, 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.

(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.

(Added by Ord. 12-8; Am. Ord. 14-29, 17-37)

**Sec. 9-9.3 Penalties and injunctive relief.**

(a) Any business violating any provision of this article or any rule adopted pursuant to this article shall be:

(1) Ordered to discontinue the distribution of bags prohibited by this article at the point of sale; and

(2) Subject to a civil fine of not less than \$100 nor more than \$1,000 for each day of violation.

(b) The director may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this article or any rule adopted pursuant to this article, to collect administrative penalties, or to obtain other relief.

(Added by Ord. 12-8)

**Sec. 9-9.4 Rules.**

The director of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration and enforcement of this article.

(Added by Ord. 12-8)