



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.

Ordinance 12-8 implemented a ban on all non-recyclable paper and non-biodegradable plastic bags effective July 1, 2015.

The Council finds that recent studies indicate certain types of plastic bags may adversely affect the environment. These bags may remain relatively intact for long periods of time, and fragments of plastic in the environment may harm insects, fish and animals if consumed.

The Department of Environmental Services has been unable to identify a clear and reliable industry standard that meets the definition of "biodegradable" plastic bag in Ordinance 12-8. However, there are independent entities, such as the Biodegradable Products Institute ("BPI"), which has a nationally recognized certification program that tests products in its laboratories to ensure that the products are completely biodegradable in approved composting facilities. If the product is BPI-certified, the manufacturer of the product may use BPI's compostable logo on its products. The Council finds that the BPI compostable logo on plastic checkout bags will allow consumers and the City to easily identify which plastic bags will biodegrade quickly and safely in our environment. The BPI logo now contains a unique certification number in the lower right corner which identifies the manufacturer or distributor of the approved product. The City further finds that adopting the BPI certification for plastic checkout bags, rather than completely banning all plastic bags, will provide businesses with more affordable options.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by deleting the definitions of "biodegradable" and "non-biodegradable," amending the definition of "plastic bag," and adding the new definition of "compostable plastic bag" to read as follows:

[""Biodegradable" means a substance that can be broken down in the environment by natural processes."]

[""Non-biodegradable" means a substance that cannot be broken down in the environment by natural processes."]



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""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."

""Plastic checkout bag[:]"

- (1) Means a [bag that is made from non-biodegradable plastic, and is] 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;



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- (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. Section 9-9.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

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

Businesses shall be prohibited from providing [non-biodegradable] 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) [making] reusable [bags, bags made of biodegradable plastic] bags, compostable plastic bags, or recyclable paper bags [available for sale or without charge to customers at the point of sale] for the purpose of transporting groceries or other merchandise [such items]; or 2) non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods."

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance 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 underscoring, the brackets or the bracketed material.



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SECTION 5. This ordinance takes effect on July 1, 2015.

INTRODUCED BY:

Breene Harimoto

DATE OF INTRODUCTION:

April 29, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel **DANA O. VIOLA**

APPROVED this 25 day of September, 2014.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 14-29

BILL 38 (2014), CD2

Introduced: 04/29/14

By: BREENE HARIMOTO

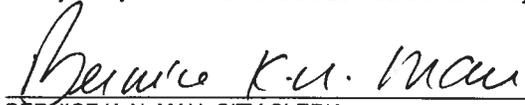
Committee: PUBLIC WORKS AND
SUSTAINABILITY

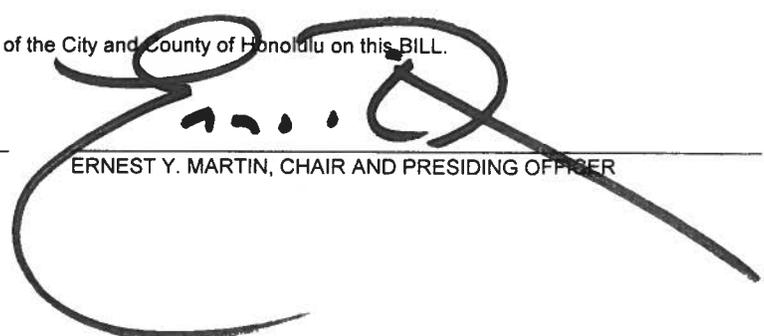
Title: A BILL FOR AN ORDINANCE RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

Voting Legend: * = Aye w/Reservations

05/07/14	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY. 8 AYES: ANDERSON*, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI*, MANAHAN, MENOR, PINE. 1 NO: MARTIN.
05/21/14	PUBLIC WORKS AND SUSTAINABILITY	BILL DEFERRED IN COMMITTEE.
06/25/14	PUBLIC WORKS AND SUSTAINABILITY	CR-201 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM AND SCHEDULING OF A PUBLIC HEARING.
06/28/14	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/09/14	COUNCIL/PUBLIC HEARING	CR-201 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY. 7 AYES: CHANG, FUKUNAGA*, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE*. 2 NOES: ANDERSON, MARTIN.
07/16/14	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
08/27/14	PUBLIC WORKS AND SUSTAINABILITY	CR-252 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
09/10/14	COUNCIL	CR-252 ADOPTED AND BILL 38 (2014), CD2 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON*, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR*, 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.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER