SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 40 (2019)
RELATING TO PLASTIC.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 1 of the bill ("Purpose and Findings"), revises the general comments and findings of the Council.

B. In SECTION 2 of the bill, adds a new definition of "Plastic" to ROH Section 9-9.1 ("Definitions") to read as follows:

"Plastic" means any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.

C. In SECTION 2 of the bill, amends the definitions of "Plastic checkout bag" and "Plastic film bag" in ROH Section 9-9.1 ("Definitions") to limit existing exclusions to:

(A) Handle-less plastic 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) Newspaper bags for home newspaper delivery;

(D) Laundry, dry cleaning, or garment bags

(E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

(F) Bags used to contain live animals, such as fish or insects sold in pet stores; and

(G) 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.

Exclusions (A) and (D) have been modified from the "as introduced" version.

E. In SECTION 5 of the bill, amends ROH Section 41-27.2 ("Ban on use of polystyrene foam containers") to: prohibit sale, service or provision of polystyrene foam food ware as of January 1, 2021; prohibit sale or provision of disposable plastic service ware as of January 1, 2021; prohibit sale, service or provision of disposable plastic food ware as of January 1, 2022; and prohibit the sale or provision of polystyrene foam food ware at City-associated facilities and events. The revisions read as follows:

"Sec. 41-27.2 [Ban] Restriction on [use of polystyrene foam containers.] non-compliant food service ware.

(a) [Except-if] Unless exempted under Section 41-27.3, from [January 1, 1990] January 1, 2021, no [food vendor] business shall sell, serve, or provide any polystyrene foam [container] food ware to customers. which is manufactured with the use of or contains chlorofluorocarbons. The department may require a food vendor, supplier, or distributor to furnish a written statement from the manufacturer or supplier of the container used by the food vendor, indicating that use of the container is not prohibited.

(b) Unless exempted under Section 41-27.3, from January 1, 2021, no business shall sell or provide disposable plastic service ware to customers.

(c) Unless exempted under Section 41-27.3, from January 1, 2022, no business shall sell, serve, or provide disposable plastic food ware to customers.

(d) [Except-if] Unless exempted under Section 41-27.3, from [January 1, 1990] January 1, 2021, no food packager shall package meat, eggs, bakery products, or other food polystyrene foam [container] food ware [which is manufactured with the use of or contains chlorofluorocarbons. The department may require the manufacturer or supplier of the container used by the food packager to furnish a written statement from the manufacturer of the packaging, indicating that use of the container is not prohibited] shall not be sold, used, or provided, or offered for sale or use at any city facility, city-authorized concession, city-sponsored or city-permitted event, or city program.

F. In SECTION 6 of the bill, amends ROH Section 41-27.3 ("Exemptions") to: specify terms and considerations for the "undue hardship" exemption; include an exemption under proposed subsection (b) specific to disposable flexible plastic drinking straws, for hospitals, healthcare facilities and agencies; include exemptions under proposed subsection (c) for packaging for shelf stable foods and beverages, grab-and-go foods and beverages, and catered foods and beverages, contained within disposable plastic food ware; include an exemption under proposed subsection (d) for raw meat, poultry, seafood, and eggs; and
include an exemption under proposed subsection (e) for situations deemed by the City administration to be an emergency. The revisions read as follows:

"Sec. 41-27.3 Exemptions.

(a) The department may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990. The department maygrant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and a showing by the applicant the provision of sufficient evidence that compliance with the prohibition would cause undue hardship. Exemptions may be granted for a specified term of up to two years, and may be subsequently renewed for a specified term of up to two years, provided that during the term of the exemption, diligent efforts are made by the business to become compliant. "Undue hardship" [shall] will be construed to include, but not be limited to:

(a) Situations where there are no acceptable alternatives to providing expanded polystyrene [foam containers] food ware, disposable plastic service ware or plastic food ware to customers, for reasons [which] that are unique to the applicant;

(b) Situations where compliance with the prohibition would deprive a person of a legally protected right or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article. Factors relevant to determining whether acceptable alternatives exist include, but are not limited to, the comparative size, performance, and utility, of any available alternative.

(b) Disposable flexible plastic drinking straws may be provided, upon request, to customers for whom flexible non-fossil-fuel-based straws are unsuitable due to medical or physical conditions. Otherwise, straws must be fossil-fuel free or designed to be reusable.

The following entities are exempt from compliance with the prohibitions of Section 41-27.2(b), specific to disposable flexible plastic drinking straws:

(1) A "hospital" as defined under Hawaii Administrative Rules section 11-93-2;

(2) A "nursing facility" as defined under Hawaii Administrative Rules section 11-94.1-2;

(3) An "assisted living facility" as defined under Hawaii Administrative Rules section 11-90-2;
(4) An "adult residential care home" ("ARCH") and "expanded ARCH" as defined under Hawaii Administrative Rules section 11-100.1-2;

(5) A "hospice service agency" as defined under Hawaii Revised Statutes section 321-15.63(b);

(6) A "hospice home" as defined under Hawaii Revised Statutes section 321-15.1;

(7) A "home health agency" as defined under Hawaii Administrative Rules section 11-97-1; and

(8) A "home care agency" as defined under Hawaii Administrative Rules section 11-700-2."

(c) The following shall be exempt from compliance with the prohibitions of Section 41-27.2:

(1) Packaging for shelf stable foods and beverages contained within disposable plastic food ware;

(2) Packaging for grab-and-go or catered foods and beverages contained within disposable plastic food ware;

(3) Packaging for raw meat, poultry, seafood, and eggs that have not been further processed or provided for consumption without further food preparation; and

(4) Packaging in any situation deemed by the City to be an emergency requiring the immediate preservation of life, health, property, safety, or essential public services. This exemption shall be in place until the emergency has ceased or the mayor has determined the exemption is no longer applicable to the situation."

G. Inserts a new SECTION 7 of the bill, requiring plastic service ware to be provided upon request or affirmative response by the customer, and for the City administration to engage in an education and outreach campaign to facilitate implementation of this measure, by revising ROH Section 41-27.4 ("Violation - Penalty") to read as follows:

"Sec. 41-27.4 [Violation—Penalty.] Plastic service ware upon request.

(a) [It is unlawful to violate Section 41-27.2.] A business may only provide or distribute disposable food service ware for prepared food or beverage upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser."
Each violation shall be punishable by a fine as follows:

(1) A fine not exceeding $250.00 for the first violation within a one-year period; or

(2) A fine not exceeding $500.00 for the second and each subsequent violation within the one-year period from the first violation.

The "one-year period" shall be deemed to commence on the date of conviction for the first violation and end on the same day and month one year later. The city administration shall engage in an education and outreach campaign in coordination with community and business partners to facilitate implementation of this article.

Renumber successive SECTIONS accordingly

H. In renumbered SECTION 8 (previously SECTION 7) of the bill, amends ROH Section 41-27.5 ("Enforcement") to: remove reference to enforcement of the article by the Honolulu Police Department and use of summons or citations for enforcement; inserts civil enforcement methods under proposed subsections (b) and (c) that are similar to enforcement methods within the City's plastic bag ordinance under ROH Section 9-9.3. The revisions read as follows:

"Sec. 41-27.5  Enforcement[], penalties and injunctive relief.

(a) There shall be provided for use by an officer or employee of the city duly authorized to issue a summons or citation or any police officer a form of summons or citation for use in citing violators of Section 41-27.2, which does not provide for the physical arrest of such violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district court, shall be printed on a form commensurate with the form of other summons or citation used in modern methods of arrest, and so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.

(b) In every case, when a citation is issued, the original shall be given to the violator; provided, that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be numbered, and each carbon copy shall bear the same number as its original.

(c) Enforcement of this article shall also be under the jurisdiction of the Honolulu police department. Enforcement and administration of this article
[shall be] is under the jurisdiction of the department [of public works:] of environmental services.

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

(1) Be ordered to discontinue the distribution or sale of items prohibited by this article; and

(2) If continuing the distribution despite the order, be subject to a civil fine of not less than $100 nor more than $1,000 for each day of violation.

(c) The director of environmental services 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."

I. Inserts a new SECTION 9 of the bill, requiring the Director of Environmental Services to adopt rules to implement, administer and enforce this article, by revising ROH Section 41-27.6 ("Rules") to read as follows:

"Sec. 41-27.6 Rules.

The [department may promulgate reasonable and necessary rules to] director of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration and enforcement of this article."

Renumbered successive SECTIONS accordingly

J. Amends the bill's effective date to July 1, 2020.

K. Makes miscellaneous technical and nonsubstantive amendments.
RELATING TO PLASTIC.

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 address the provision of certain single-use plastic goods and plastic bags.

The impact of the world's increasing waste stream is unsustainable and detrimental to the future of Hawaii's economy and the health and safety of its people. Plastics entering the environment have a demonstrable adverse effect on the health of the people of Honolulu, as well as the environmental integrity of our islands. Single-use plastic service ware and packaging are major contributors to street and beach litter, ocean pollution, harm to marine and other wildlife, and greenhouse gas emissions, which directly contribute to the global climate crisis.

A significant portion of marine debris -- estimated to be 80 percent -- originates on land, primarily as escaped refuse and litter, much of it plastic, in urban runoff. These land-based plastics degrade into pieces and particles of all sizes, including microplastics, and are present in the world's oceans at all trophic levels. Among other hazards, plastic debris attract and concentrate ambient pollutants like heavy metals and persistent organic pollutants in seawater and freshwater, which can transfer to fish, and other seafood, that is eventually caught and sold for human consumption.

The City and County of Honolulu ("City") is a recognized leader in developing responsible waste management policies and programs. In order to protect health, life, and property and preserve the order and security of the City and its inhabitants, ordinances have been enacted to regulate the use of plastic and non-recyclable paper bags provided by businesses to customers. In continuing to strive for responsible waste management policies and programs, the City must address the provision of single-use plastic goods.

Reduction of the amount of non-degradable and non-recyclable waste that enters the waste stream is consistent with the City’s proposed Integrated Solid Waste Management Plan, which aims to reduce per capita waste generation by 25 percent by 2030 and to reduce carbon emissions from the waste stream by substantially reducing or eliminating carbon-based single-use plastics and polystyrene by 2030. These measures are also consistent with the 2030 solid waste reduction goals set forth by the State-level Aloha+ Challenge, to which Honolulu is a signatory, which include to "support changes in design, material use, and manufacturing that reduce waste and toxicity" and to "significantly reduce the annual generation of solid waste."
Through this measure, it is the Council’s intent to protect human safety and welfare, and to improve environmental quality on the island, in the neighboring marine environment, and globally.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended as follows:

1. By adding a new definition of "Plastic" to read as follows:

""Plastic" means any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow."

2. By amending the definitions of "Plastic checkout bag" and "Plastic film 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 plastic and not specifically designed and manufactured for long-term re-use;

(2) This term does not include:

(A) Handle-less plastic 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];
A BILL FOR AN ORDINANCE

[(H)][(E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

[(H)][(F) Bags used to contain live animals, such as fish or insects sold in pet stores; or

[(H)][(G) 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":

(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] Handle-less plastic 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)][(D) Laundry, dry cleaning, or garment bags [including bags provided by hotels to guests to contain wet or dirty clothing];

[(H)][(E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

[(H)][(F) Bags used to contain live animals, such as fish or insects sold in pet stores; or

[(H)][(G) 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 3. The title of Chapter 41, Article 27, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Article 27. [Polystyrene Foam Containers] Food Service Ware"

SECTION 4. Section 41-27.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended as follows:


""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.

"Disposable" means designed for single-use then discarded, and not designed or manufactured to be washed and sanitized or to be used repeatedly over an extended period of time.

"Grab-and-go" means foods or beverages that are pre-packaged or pre-sealed in plastic food ware and intended for consumption within three days of preparation and are not shelf stable, including, but not limited to, pre-made sandwiches, desserts, pies, noodles, salads, parfaits, drinks, musubis and bentos.

"Plastic" means the same as defined in Section 9-9.1.

"Plastic food ware" means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, or other hinged or lidded containers that contain plastic and are used for selling or providing food or beverage for consumption on or off the premises of a business; but the term does not include disposable plastic condiment packets; food-related bags or wrappers, such as musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, or ice bags; beverage-related bottles or cartons; packaging for unprepared food; packaging for prepared food, beverage or dairy products for wholesale distribution; and pre-packaged or pre-sealed items typically sold by a business.
"Plastic service ware" means stirrers, straws, baran, and utensils including forks, spoons, sporks, and knives, that contain plastic; but the term does not include items contained within or attached to packaging of food or beverages, such as disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads.

"Polystyrene foam" means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expanded bead polystyrene) injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

"Polystyrene foam food ware" means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, "clamshells," trays, egg cartons, or other hinged or lidded containers, that are made of polystyrene foam and used for selling or providing food for consumption on or off the premises of a business; but the term does not include polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use, and soup or noodles packaged with polystyrene foam that has been filled and sealed prior to receipt by the business.

"Shelf Stable" means food or beverage that is packaged with plastic food ware that can be safely stored at room temperature for a time period exceeding three days.

"Utensils" are disposable plastic implements intended to assist in the consumption of food or drink."

2. By amending the definition of "Customer," "Department," and "Prepared food" to read as follows:

 "Customer" means any person purchasing food, beverages, polystyrene food ware, plastic service ware, or plastic food ware from a food vendor business.

 "Department" means the department of environmental services.

 "Prepared food" means food or beverages that are

(1) Served on the food vendor's premises without preparation; or

(2) Prepared on the food vendor's premises for consumption by cooking, chopping, peeling, slicing, mixing, brewing, freezing, or
squeezing [], or otherwise processed at premises owned, leased, or otherwise controlled by the business.

"Prepared food" does not include [any uncooked meat or eggs, raw uncooked eggs, whole fruits and vegetables, or raw uncooked meats, poultry, and seafood, unless provided for consumption without further food preparation or heating. For example, sashimi and poke shall be considered to be prepared food. Prepared food may be eaten either on or off the premises of the [food vendor, business]."

3. By repealing the definitions of "Biodegradable," "Chlorofluorocarbons" or "CFCs," "Food packager," "Food vendor," "Nonprofit food provider," "Polystyrene foam container," "Restaurant," and "Retail food vendor."

"["Biodegradable" means material capable of being broken down by microorganisms into simple substances or basic elements.]

"Chlorofluorocarbons" or "CFCs" mean the family of substances containing carbon, fluorine and chlorine. The term includes the following compounds: CFC-11, CFC-12, CFC-113, CFC-114 and CFC-115.

"Food packager" means any person, located within the City and County of Honolulu, who places meat, eggs, bakery products or other food in packaging materials for the purpose of retail sale of those products.

"Food vendor" means any restaurant, retail food vendor or non-profit food provider.

"Nonprofit food provider" means a nonprofit corporation exempt from federal income taxation which provides prepared food as part of its services.

"Polystyrene foam container" means a container which is manufactured with the use of or contains chlorofluorocarbons.

"Restaurant" means an establishment, located within the City and County of Honolulu, which sells prepared food to be eaten by customers. "Restaurant" includes a sidewalk food vendor.

"Retail food vendor" means a store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within the City and County of Honolulu, which sells prepared food.

SECTION 5. Section 41-27.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:
"Sec. 41-27.2 [Ban] Restriction on [use of polystyrene foam containers.] non-compliant food service ware.

(a) [Except if] Unless exempted under Section 41-27.3, from January 1, 1990 January 1, 2021, no [food vendor] business shall sell, serve, or provide any polystyrene foam [container] food ware to customers, [which is manufactured with the use of or contains chlorofluorocarbons. The department may require a food vendor, supplier, or distributor to furnish a written statement from the manufacturer or supplier of the container used by the food vendor, indicating that use of the container is not prohibited.]

(b) Unless exempted under Section 41-27.3, from January 1, 2021, no business shall sell or provide disposable plastic service ware to customers.

(c) Unless exempted under Section 41-27.3, from January 1, 2022, no business shall sell, serve, or provide disposable plastic food ware to customers.

(d) [Except if] Unless exempted under Section 41-27.3, from January 1, 1990 January 1, 2021, no food packager shall package meat, eggs, bakery products, or other food-polystyrene foam [container] food ware [which is manufactured with the use of or contains chlorofluorocarbons. The department may require the manufacturer or supplier of the container used by the food packager to furnish a written statement from the manufacturer of the packaging, indicating that use of the container is not prohibited.]" shall not be sold, used, or provided, or offered for sale or use at any city facility, city-authorized concession, city-sponsored or city-permitted event, or city program."

SECTION 6. Section 41-27.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 41-27.3 Exemptions.

(a) [The department may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990.] The department may grant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and [a showing by the applicant] the provision of sufficient evidence that compliance with the prohibition would cause undue hardship. Exemptions may be granted for a specified term of up to two years, and may be subsequently renewed for a specified term of up to two years, provided that during the term of the exemption, diligent efforts are made by the business to become compliant. "Undue hardship" [shall] will be construed to include, but not be limited to[;
(a) Situations where there are no acceptable alternatives to providing polystyrene foam containers, disposable plastic service ware or disposable plastic food ware to customers, for reasons which are unique to the applicant; or

(b) Situations where compliance with the prohibition would deprive a person of a legally protected right or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article. Factors relevant to determining whether acceptable alternatives exist include, but are not limited to, the comparative size, performance, and utility, of any available alternative.

(b) Disposable flexible plastic drinking straws may be provided, upon request, to customers for whom flexible non-fossil-fuel-based straws are unsuitable due to medical or physical conditions. Otherwise, straws must be fossil-fuel free or designed to be reusable.

The following entities are exempt from compliance with the prohibitions of Section 41-27.2(b), specific to disposable flexible plastic drinking straws:

1. A "hospital" as defined under Hawaii Administrative Rules section 11-93-2;

2. A "nursing facility" as defined under Hawaii Administrative Rules section 11-94.1-2;

3. An "assisted living facility" as defined under Hawaii Administrative Rules section 11-90-2;

4. An "adult residential care home" ("ARCH") and "expanded ARCH" as defined under Hawaii Administrative Rules section 11-100.1-2;

5. A "hospice service agency" as defined under Hawaii Revised Statutes section 321-15.63(b);

6. A "hospice home" as defined under Hawaii Revised Statutes section 321-15.1;

7. A "home health agency" as defined under Hawaii Administrative Rules section 11-97-1; and

8. A "home care agency" as defined under Hawaii Administrative Rules section 11-700-2."
(c) The following shall be exempt from compliance with the prohibitions of Section 41-27.2:

(1) Packaging for shelf stable foods and beverages contained within disposable plastic food ware;

(2) Packaging for grab-and-go or catered foods and beverages contained within disposable plastic food ware;

(3) Packaging for raw meat, poultry, seafood, and eggs that have not been further processed or provided for consumption without further food preparation; and

(4) Packaging in any situation deemed by the city to be an emergency requiring the immediate preservation of life, health, property, safety, or essential public services. This exemption shall be in place until the emergency has ceased or the mayor has determined that the exemption is no longer applicable to the situation."

SECTION 7. Section 41-27.5, Revised Ordinances of Honolulu 1990 ("Enforcement"), is amended to read as follows:

"Sec. 41-27.4   [Violation—Penalty.] Plastic service ware upon request.

(a) [It is unlawful to violate Section 41-27.2.] A business may only provide or distribute disposable food service ware for prepared food or beverage upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser.

(b) [Each violation shall be punishable by a fine as follows:

(1) A fine not exceeding $250.00 for the first violation within a one-year period; or

(2) A fine not exceeding $500.00 for the second and each subsequent violation within the one-year period from the first violation.

The "one-year period" shall be deemed to commence on the date of conviction for the first violation and end on the same day and month one year later.]
The city administration shall engage in an education and outreach campaign in coordination with community and business partners to facilitate implementation of this section."

SECTION 8. Section 41-27.5, Revised Ordinances of Honolulu 1990 ("Enforcement"), is amended to read as follows:

"Sec. 41-27.5 Enforcement[,] penalties and injunctive relief.

(a) [There shall be provided for use by an officer or employee of the city duly authorized to issue a summons or citation or any police officer a form of summons or citation for use in citing violators of Section 41-27.2, which does not provide for the physical arrest of such violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district court, shall be printed on a form commensurate with the form of other summons or citation used in modern methods of arrest, and so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.]

(b) In every case, when a citation is issued, the original shall be given to the violator, provided, that the administrative judge of the district court may prescribe that the violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be numbered, and each carbon copy shall bear the same number as its original.

(c) Enforcement of this article shall also be under the jurisdiction of the Honolulu police department. Enforcement and administration of this article is under the jurisdiction of the department of environmental services.

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

(1) Be ordered to discontinue the distribution or sale of items prohibited by this article; and

(2) If continuing the distribution despite the order, be subject to a civil fine of not less than $100 nor more than $1,000 for each day of violation.

(c) The director of environmental services 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."

SECTION 9. Section 41-27.6, Revised Ordinances of Honolulu 1990 ("Rules"), is amended to read as follows:

"Sec. 41-27.6 Rules.

The [department may promulgate reasonable and necessary rules to administer or enforce this article. Rules shall be promulgated in accordance with HRS Chapter 91.] director of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration and enforcement of this article."

SECTION 10. 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.
SECTION 11. This ordinance takes effect on July 1, 2020.

INTRODUCED BY:

Joey Manahan

DATE OF INTRODUCTION:

July 9, 2019
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____________, 20 ____.

KIRK CALDWELL, Mayor
City and County of Honolulu