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**A BILL FOR AN ORDINANCE**

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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. The purpose of this ordinance is to regulate the use of bags provided to customers.

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

"["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 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;



**A BILL FOR AN ORDINANCE**

- (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; or
- (K) Compostable plastic bags]."

""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] 3 mils thick."

SECTION 3. 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.**

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 unless the business charges a fee of not less than ten cents per bag. Nothing in this article shall preclude a business from making available to customers, with or without charge, at the point of sale: 1) reusable bags[, compostable plastic bags,] or recyclable paper bags for the purpose of transporting groceries or other merchandise; or 2) non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **59 (2016), CD1**

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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, 2017.

INTRODUCED BY:

Brandon Elefante

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DATE OF INTRODUCTION:

September 28, 2016  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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KIRK CALDWELL, Mayor  
City and County of Honolulu