



COUNTY OF HAWAI'I
DEPT. OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE DIVISION – RECYCLING SECTION
www.hawaii zerowaste.org



Plastic Bag Reduction Ordinance Frequently Asked Questions (FAQ)

This FAQ has been prepared by the County of Hawai'i Department of Environmental Management (DEM) to clarify the rules relating to the Plastic Bag Reduction Ordinance.

Starting January 17, 2013, the County of Hawai'i's new Plastic Bag Reduction Ordinance 12-1 became effective. This new law affects all businesses in Hawai'i County. The purpose of the law is to reduce the use of plastic checkout bags and encourage the use of more environmentally preferable alternatives such as reusable bags or paper bags.

Under the law, a business is defined as *“any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legal entity, and includes independent contractors associated with the business. Exempted from these rules are organizations classified under Section 501 (c) of the United States Internal Revenue code or non-incorporated community booster organizations.”*

During the first year of the new law beginning January 17, 2013, businesses may offer plastic checkout bags for purchase but may not provide them to customers for free. Each business determines how much to charge for their plastic checkout bags and any such fees are the property of the business.

The law will allow plastic bags without handles that are designed and used solely for protection of food products such as raw meat, poultry, seafood, frozen foods, deli foods, fruits, vegetables, nuts, grains, cereal, flour, rice and candy. It also allows for plastic bags designed and used for small retail items like jewelry, buttons, beads, ribbon and hardware items such as nails, nuts and screws. Plastic bags used to protect laundry and dry cleaning will be permitted as well. Biodegradable or compostable plastic checkout bags are not permissible under the law.

In the second year starting January 17, 2014, businesses may not provide individual single-use plastic checkout bags to customers for free or for purchase at the point-of-sale. Bag suppliers may still offer packaged bulk quantities of single-use plastic bags for sale. The law does not require exempted non-profits to show proof of non-profit status in order to purchase bulk quantities of plastic bags for fundraisers.

Public hearings to adopt administrative rules for implementing the law were held in Kailua-Kona and Hilo and final adoption of the rules was completed in January 2013. For updates and for a copy of the rules, please visit our website <http://www.hawaii zerowaste.org/reuse/plastic-bag-reduction-ordinance>.

To assist businesses with communications to their customers about the new law, the County has developed public outreach and education initiatives. Some of the outreach tools include templates for banners, posters and leaflets that can be downloaded from our website and may be distributed to your customers and/or store personnel. The County has also produced a limited supply of banners, posters, buttons and leaflets that can be picked up from both our offices in Hilo and/or Kona.

Frequently Asked Questions & Answers

1. How much does a business charge per plastic checkout bag?

Each business decides how much to charge for a plastic bag.

2. Where does the money go that the business charges for the plastic checkout bag?

Each business makes this decision. They can keep the money to offset the costs of the bags or they can donate to a charity. The County does not receive any of these monies.

3. Is the money charged for the plastic checkout bag given to a charity?

This decision is to be determined by each business.

4. Does a business have to show a charge for the plastic bags on the customer receipts?

Yes. Businesses must have a method to verify that they are charging for the plastic checkout bags.

5. How does the plastic checkout bag charge affect my taxes? Is it subject to taxes and revenue?

Businesses should consult with their accountant or tax attorney.

6. Is this law a total plastic bag ban?

No. This is a plastic bag reduction law; not a ban. The purpose of the law is to reduce the number of single use plastic bags by prohibiting their distribution at store checkouts and encourage the usage of reusable bags. The law provides for permissible plastic bags (without handles) for retail items such as meat, produce, bulk food items, garments and prescription drugs.

7. Can I, as a shopper, be fined for using a plastic checkout bag?

No, this law is applicable only to businesses. Consumers are encouraged to shop with reusable bags and are not subject to any penalties or enforcement from the County.

8. Is a non-profit agency able to produce plastic bags and give them to any retailer for the retailer to hand out for free?

No. If the non-profit is using the plastic bags for checkout, they do not need to charge a fee. If a business is using the plastic bag for checkout, they are required to charge a fee. The source of the plastic bag does not affect this rule.

9. Is a merchant able to charge a single customer \$0.01 for 10 or more plastic checkout bags?

Technically, yes. As stated in the answer to FAQ No. 1, each business decides how much to charge for a plastic checkout bag. However, this practice is discouraged. Also, the law only allows this option for the first year. Starting January 17, 2014, plastic checkout bags are not permissible. Customers should check with each business to find out how much each bag costs.

10. What kind of bags are retailers allowed to provide to customers?

Businesses and retail establishments may provide a plastic checkout bag but must charge a fee during the first year of the law. They may also provide paper bags or reusable bags and the decision to charge a fee for these types of bags and how much is up to each business.

11. Is it okay if customers bring plastic bags to the store to reuse?

This decision would be made by the business or retailer. The law does not restrict consumers or customers from doing so. Whether or not a business provides a "rebate" for customer-provided plastic or reusable bags is a decision for each business.

12. Are all plastic bags that are greater than 3.0 mils thick considered to reusable?

The rules specifically states “Bags made from plastic that are washable and are specifically designed and manufactured for multiple re-use and are at least 3.0 mils thick will be acceptable as a reusable bag.”

13. Plastic bags that are greater than 3.0 mils thick that are washable are considered reusable. Does it have to be washing machine washable or is sanitary spray and wipes okay?

Any method of washing or cleaning is acceptable. For some helpful tips on maintaining germ-free reusable bags check out the flyer by the Nutrition Education for Wellness Program of the UH Cooperative Extension Service at http://www.ctahr.hawaii.edu/new/resources/GRUB_flyer.pdf

14. Are biodegradable plastic checkout bags exempt?

No. The law specifically applies to all types of plastic including biodegradable or compostable plastic and other plastic checkout bags made from fossil fuels. Biodegradable plastics are not known for breaking down in the natural environment.

15. May a business incur the cost of the plastic bags instead of charging it to their customer?

No.

16. Farmers Market manager is a 501 (c) non-profit and wants to know if all the vendors are afforded the same status?

No. If the vendors are independent contractors, they must comply with the ordinance unless they are also a 501 (c) non-profit business.

17. Mary Kay consultant wants to know if independent consultants are affected by the Law.

Yes, unless they are a non-profit classified under Section 501 (c) of the United States Internal Revenue code or non-incorporated community booster organization. "Business" means any commercial enterprise or establishment including sole proprietorships, joint ventures, partnerships and corporations or any other legal entity, and includes independent contractors associated with the business.

18. Does the law mandate a non-profit (501(c)) organization show proof of non-profit status in order to purchase bulk quantities of plastic bags for their fundraiser?

No.

19. My dentist office provides a plastic “goodie” bag with dental care items. Is that permissible?

Yes, since the plastic bag is not being used as a “checkout bag”, this is acceptable. We would prefer they provide a reusable bag instead.

20. Can a plastic bag supplier or wholesaler sell packaged bulk quantities of single-use plastic bags, as long as they aren’t selling them at the checkout individually?

Yes.

21. What are the penalties if a business that violates the law?

Rules have been adopted that detail the enforcement procedures and these are available from the County website at <http://www.hawaii.zerowaste.org/reuse/plastic-bag-reduction-ordinance>. The violator shall pay to the County an initial civil fine in the amount of \$250, and \$500 per day thereafter for each day until the violation is corrected.

22. Who can I contact if I have more questions or suggestions?

Contact the County Solid Waste and Recycling Office at 961-8270 or bring-ur-bag@co.hawaii.hi.us.