

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY  
CODE, RELATING TO PLASTIC BAG REDUCTION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to improve the Plastic Bag Reduction Ordinance, including through the following means: (1) ~~simplify and~~ strengthen the definitions of ~~“Plastic bag” and “Reusable bag”~~; (2) ~~exempt plastic bags used for specified purposes from the plastic bag prohibition~~; (3) ~~repeal the~~ **(3) revise** requirement for annual reporting by the Department of Environmental Management starting in 2018; ~~and (4) prohibit businesses from providing prohibited plastic bags to their customers at any time, not just at the point of sale.~~ **(4) establish a fee for recyclable paper bags; and (5) enhance environmental protections.**

SECTION 2. Chapter 20.18, Maui County Code, is amended to read as follows:

**Chapter 20.18 [Plastic] Single-use Bag Reduction**

**20.18.010 - Purpose.** A. The production and use of **single-use shopping bags (plastic bags, paper, biodegradable)** have significant impacts on the environment, including, ~~but not limited to:~~ contributing to unsightly litter; creating an additional burden on landfills; contributing to potential death of marine animals through ingestion and entanglement; ~~and,~~ requiring the use of millions of barrels of crude oil for their manufacture, **and increasing greenhouse gas emissions.**

B. The council finds and declares that to preserve the health, safety, welfare, and scenic and natural beauty of the County of Maui, the use of ~~plastic~~ **single-use** bags must be regulated.

RECEIVED AT IEM MEETING ON 05/15/17  
Committee Chair

C. The purpose of this chapter is to ~~encourage~~**require** the use of environmentally preferable alternatives to ~~plastic single-use~~ bags, such as ~~recyclable paper bags or~~ reusable bags.

**20.18.020 Definitions.** "Business" means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legally cognizable entity, whether for profit or not for profit, includes all employees of the business or any independent contractors associated with the business.

"Director" means the director of environmental management.

~~"Plastic bag" means a bag that is made from noncompostable plastic or compostable plastic, and is not specifically designed and manufactured for multiple re-use.~~

"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~~bag[s], **and (4) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.**

"Reusable bag" means a bag **with handles or straps for ease of transport** that is specifically designed and manufactured for multiple re-use and ~~is~~**meets all of the following requirements:** (1) made of cloth or other washable fabric, ~~or;~~ (2) ~~made of durable material suitable for reuse.~~ **shall be at least 4 mil thick; (3) has a minimum lifetime of 125 uses, which means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet and; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts.**

**20.18.030 - Administration.** A. The director shall administer this chapter and shall adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, ~~within one hundred eighty days from the effective date of this ordinance.~~

B. On or before September 1 of each year, the director shall submit to the council a report ~~assessing the estimated increase in~~**detailing compliance with this chapter, including** the number **and type** of ~~business customers using recyclable paper bags or reusable bags~~**enforcement actions.**

**20.18.040 - Plastic bag restrictions. Prohibitions.** A. Businesses are prohibited from providing ~~plastic bags that do not qualify as reusable bags or recyclable paper~~ bags to their customers at the point of sale for the purpose of transporting groceries or other goods.

B. ~~Nothing in this chapter~~ **The director** shall ~~preclude a business from making reusable~~**adopt administrative rules for permissible** bags ~~or recyclable paper bags available for sale or without charge~~**provided** to customers **by businesses other than** at the point of sale for ~~the~~

~~purpose~~**purposes** of ~~transporting groceries or other goods.~~**protection of property, certain foods, or prescription drugs.**

**20.18.045 Paper bag charge. A. No business shall provide a recyclable paper bag to a customer at the point of sale unless the business charges the customer a paper bag charge of at least twenty-five cents (\$.25) per bag.**

**B. The amount charged pursuant to subsection (A) shall be separately stated on the receipt provided to the customer at the time of sale and shall be identified as the "Paper Bag Charge."**

**C. Businesses shall not charge the paper bag charge required in subsection (A) to a customer as part of a transaction paid for in whole or in part through the Supplemental Nutrition Assistance Program (SNAP) program.**

**20.18.050 - Violation and penalties.** A. Violations of this chapter shall be subject to the civil penalties and enforcement procedures of Section 19.530.030 of this code.

B. Fines collected pursuant to this chapter shall be deposited into the [open space, natural resources, cultural resources, and scenic views preservation] **solid waste management** fund.

SECTION **23**. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION **34**. This ordinance shall take effect ~~upon its approval~~**January 1, 2018.**

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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