

HOUSE BILL No. 5962

October 19, 2016, Introduced by Reps. Sarah Roberts, Greig, Darany, Wittenberg and Liberati and referred to the Committee on Commerce and Trade.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 164. PLASTIC BAGS

SEC. 16401. AS USED IN THIS PART:

(A) "CUSTOMER" MEANS ANY PERSON PURCHASING GOODS FROM A STORE.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

(D) "OPERATOR" MEANS THE PERSON IN CONTROL OF, OR HAVING THE
RESPONSIBILITY FOR, THE OPERATION OF A STORE, WHICH MAY INCLUDE,
BUT IS NOT LIMITED TO, THE OWNER OF THE STORE.

1 (E) "PLASTIC CARRYOUT BAG" SUBJECT TO SUBDIVISION (F) , MEANS
2 ANY BAG THAT IS MADE PREDOMINANTLY OF PLASTIC DERIVED FROM
3 PETROLEUM, NATURAL GAS, OR A BIOLOGICALLY BASED SOURCE, SUCH AS
4 CORN, AND IS PROVIDED TO A CUSTOMER AT THE POINT OF SALE OF OTHER
5 GOODS.

6 (F) PLASTIC CARRYOUT BAG DOES NOT INCLUDE ANY OF THE
7 FOLLOWING:

8 (i) A REUSABLE BAG.

9 (ii) A BAG WITHOUT HANDLES USED EXCLUSIVELY TO CARRY PRODUCE,
10 MEATS, OR OTHER FOOD ITEMS TO THE POINT OF SALE INSIDE A STORE OR
11 TO PREVENT SUCH FOOD ITEMS FROM COMING INTO DIRECT CONTACT WITH
12 OTHER PURCHASED ITEMS.

13 (G) "POST-CONSUMER RECYCLED MATERIAL" MEANS MATERIAL THAT
14 WOULD OTHERWISE BE DESTINED FOR SOLID WASTE DISPOSAL, HAVING
15 COMPLETED ITS INTENDED END USE AND PRODUCT LIFE CYCLE. POST-
16 CONSUMER RECYCLED MATERIAL DOES NOT INCLUDE MATERIAL OR BY-PRODUCT
17 GENERATED FROM, AND COMMONLY REUSED WITHIN, AN ORIGINAL
18 MANUFACTURING AND FABRICATION PROCESS.

19 (H) "RECYCLABLE PAPER BAG" MEANS A PAPER BAG THAT MEETS ALL OF
20 THE FOLLOWING REQUIREMENTS:

21 (i) DOES NOT CONTAIN FIBER FROM OLD GROWTH FORESTS.

22 (ii) IS 100% CAPABLE OF BEING SORTED, CLEANSSED, AND
23 RECONSTITUTED FOR THE PURPOSE OF USING THE ALTERED FORM IN THE
24 MANUFACTURE OF A NEW PRODUCT.

25 (iii) CONTAINS A MINIMUM OF 40% POST-CONSUMER RECYCLED
26 MATERIAL.

27 (iv) IS CAPABLE OF COMPOSTING, CONSISTENT WITH THE TIMELINE

1 AND SPECIFICATIONS OF ASTM INTERNATIONAL D6400-12 "STANDARD
2 SPECIFICATION FOR LABELING OF PLASTICS DESIGNED TO BE AEROBICALLY
3 COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES".

4 (v) IS ACCEPTED FOR RECYCLING IN CURBSIDE PROGRAMS IN THE
5 COUNTY WHERE THE STORE IS LOCATED.

6 (I) "REUSABLE BAG" MEANS A BAG THAT IS SPECIFICALLY DESIGNED
7 AND MANUFACTURED FOR MULTIPLE REUSE AND THAT MEETS ALL OF THE
8 FOLLOWING REQUIREMENTS:

9 (i) HAS HANDLES.

10 (ii) IS CAPABLE OF CARRYING 22 POUNDS 125 TIMES OVER A
11 DISTANCE OF 175 FEET.

12 (iii) HAS A VOLUME OF AT LEAST 15 LITERS.

13 (iv) IS MACHINE-WASHABLE OR IS MADE FROM A MATERIAL THAT CAN
14 BE CLEANED OR DISINFECTED.

15 (v) DOES NOT CONTAIN LEAD, CADMIUM, OR ANY OTHER HEAVY METAL
16 IN TOXIC AMOUNTS.

17 (J) "STORE" MEANS A RETAIL ESTABLISHMENT THAT SELLS PERISHABLE
18 OR NONPERISHABLE GOODS, SUCH AS CLOTHING, FOOD, OR PERSONAL ITEMS,
19 DIRECTLY TO THE CUSTOMER.

20 SEC. 16403. A STORE SHALL NOT SELL OR GIVE A PLASTIC CARRYOUT
21 BAG TO ANY CUSTOMER FOR THE PURPOSE OF ENABLING THE CUSTOMER TO
22 CARRY AWAY GOODS FROM THE POINT OF SALE.

23 SEC. 16405. AN OPERATOR THAT PROVIDES BAGS TO CUSTOMERS FOR
24 THE PURPOSE OF ENABLING THE CUSTOMERS TO CARRY AWAY GOODS FROM THE
25 POINT OF SALE SHALL PROVIDE ONLY REUSABLE BAGS OR RECYCLABLE PAPER
26 BAGS, OR ANY COMBINATION THEREOF, FOR THOSE PURPOSES.

27 SEC. 16407. THIS PART DOES NOT PROHIBIT A CUSTOMER FROM USING

1 A BAG OF ANY TYPE THAT THE CUSTOMER BRINGS TO THE STORE FOR THE
2 CUSTOMER'S OWN USE TO CARRY AWAY GOODS FROM THE POINT OF SALE.

3 SEC. 16409. (1) A PERSON WHO VIOLATES SECTION 16403 MAY BE
4 ORDERED TO PAY A CIVIL FINE OF NOT LESS THAN \$300.00 AND NOT MORE
5 THAN \$500.00. EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A
6 SEPARATE VIOLATION.

7 (2) A PERSON WHO VIOLATES SECTION 16405 MAY BE ORDERED TO PAY
8 A CIVIL FINE OF NOT LESS THAN \$100.00 AND NOT MORE THAN \$300.00.
9 EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE
10 VIOLATION.

11 (3) A VIOLATION DESCRIBED IN THIS SECTION MAY BE PROSECUTED BY
12 THE PROSECUTOR OF THE COUNTY IN WHICH THE VIOLATION OCCURRED OR BY
13 THE ATTORNEY GENERAL.

14 Enacting section 1. This amendatory act takes effect 1 year
15 after the date it is enacted into law.