

SENATE BILL No. 1610

November 6, 2008, Introduced by Senators BASHAM, JACOBS and BARCIA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 175. PLASTIC BAGS

SEC. 17501. AS USED IN THIS PART:

(A) "DEPARTMENT" MEANS THE DEPARTMENT OF TREASURY.

(B) "PLASTIC BAG" INCLUDES A GROCERY SACK, DRY-CLEANING BAG,
TAKE-OUT FOOD BAG, RETAIL BAG, MEMBERSHIP OR WHOLESALER BAG, OR
SERVICE STATION BAG.

(C) "RETAIL SELLER" MEANS A PERSON WHO IN A RETAIL TRANSACTION
SELLS GOODS, OFFERS TO SELL GOODS, OR PROVIDES SERVICES THAT AFFECT
GOODS.

SEC. 17503. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A FEE OF

1 15 CENTS IS IMPOSED FOR EACH PLASTIC BAG TRANSFERRED BY A RETAIL
2 SELLER TO A CONSUMER TO CARRY AWAY OR PROTECT GOODS PURCHASED FROM,
3 OR SERVICED BY, THE RETAIL SELLER.

4 (2) THE FEE ESTABLISHED IN SUBSECTION (1) DOES NOT APPLY TO A
5 PLASTIC BAG THAT MEETS 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

6 (A) IS USED ONLY TO CONTAIN A PRODUCT WITH NO OTHER PACKAGING.

7 (B) IS USED ONLY TO CONTAIN ICE.

8 (C) IS SPECIFICALLY DESIGNED FOR AT LEAST 1,000 REUSES.

9 (3) A RETAIL SELLER SHALL ADD THE AMOUNT OF THE FEES IMPOSED
10 BY THIS SECTION TO THE TOTAL PRICE OF THE GOODS OR SERVICES SUBJECT
11 TO THE FEES, AND THE FEES SHALL BE STATED SEPARATELY ON ANY SALES
12 RECEIPT, INVOICE, OR OTHER RECORD OF THE TRANSFER OF THE PLASTIC
13 BAGS SUBJECT TO THIS SECTION.

14 (4) A RETAIL SELLER SHALL COLLECT THE FEES IMPOSED BY THIS
15 SECTION FROM THE CONSUMER. NOT LATER THAN 30 DAYS AFTER THE LAST
16 DAY OF A CALENDAR QUARTER IN WHICH FEES WERE COLLECTED UNDER THIS
17 SECTION BY A RETAIL SELLER, THE RETAIL SELLER SHALL FILE A RETURN
18 OF THE COLLECTED FEES WITH THE DEPARTMENT ON A FORM PRESCRIBED BY
19 THE DEPARTMENT.

20 (5) A RETAIL SELLER SUBJECT TO THIS SECTION SHALL KEEP AT ITS
21 PRINCIPAL PLACE OF BUSINESS A RECORD OF ALL OF THE FOLLOWING,
22 REPORTED ON A QUARTERLY BASIS:

23 (A) THE TOTAL NUMBER OF PLASTIC BAGS AND THE NUMBER OF PLASTIC
24 BAGS EXEMPT UNDER SUBSECTION (2) THAT THE RETAIL SELLER HAS
25 ACQUIRED.

26 (B) THE AMOUNT OF FEES COLLECTED UNDER THIS SECTION.

27 SEC. 17505. (1) THE FEE IMPOSED BY THIS PART SHALL BE

1 ADMINISTERED BY THE DEPARTMENT PURSUANT TO 1941 PA 122, MCL 205.1
2 TO 205.31, AND THIS PART. IF THE PROVISIONS OF 1941 PA 122, MCL
3 205.1 TO 205.31, AND THIS PART CONFLICT, THE PROVISIONS OF THIS
4 PART APPLY.

5 (2) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS PART
6 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
7 MCL 24.201 TO 24.328.

8 (3) MONEY COLLECTED BY THE DEPARTMENT UNDER SECTION 17503
9 SHALL BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND CREATED
10 IN SECTION 503A AND EXPENDED BY THE DEPARTMENT OF ENVIRONMENTAL
11 QUALITY UPON APPROPRIATION ONLY TO SUPPORT HOUSEHOLD RECYCLING IN
12 THIS STATE.