

HOUSE BILL No. 4919

September 8, 2011, Introduced by Reps. Geiss and Melton and referred to the Committee on Regulatory Reform.

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 PLASTIC 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 1 CENT 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 GOODS WITH NO OTHER PACKAGING.
7 THIS SUBDIVISION DOES NOT EXEMPT A DRY-CLEANING BAG FROM SUBSECTION
8 (1).

9 (B) IS SPECIFICALLY DESIGNED FOR AT LEAST 1,000 REUSES.

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

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

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

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

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

1 SEC. 17505. (1) THE FEE IMPOSED BY THIS PART SHALL BE
2 ADMINISTERED BY THE DEPARTMENT PURSUANT TO 1941 PA 122, MCL 205.1
3 TO 205.31, AND THIS PART. IF THE PROVISIONS OF 1941 PA 122, MCL
4 205.1 TO 205.31, AND THIS PART CONFLICT, THE PROVISIONS OF THIS
5 PART APPLY.

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

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