



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 853 (as introduced 3-15-16)
Sponsor: Senator Jim Stamas
Committee: Commerce

Date Completed: 4-19-16

CONTENT**The bill would create a new act to do the following:**

- **Prohibit a local unit of government from adopting or enforcing an ordinance that regulated the use or sale of, prohibited, or imposed a fee or tax on, auxiliary containers.**
- **Specify that the proposed act could not be construed to prohibit or restrict recycling programs or locations.**
- **Specify that the act would not apply to an ordinance that prohibited littering or the use of auxiliary containers on property owned by a local unit of government.**

The bill would take effect 90 days after its enactment.

"Auxiliary container" would mean a bag, cup, bottle, or other packaging, whether reusable or single-use, that meets both of the following requirements: a) is made of cloth, paper, plastic, cardboard, corrugated materials, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and b) is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.

A local unit of government (a county, township, city, or village) would be prohibited from adopting or enforcing an ordinance that did any of the following:

- Regulated the use, disposition, or sale of auxiliary containers.
- Prohibited or restricted auxiliary containers.
- Imposed a fee, charge, or tax on auxiliary containers.

The proposed act could not be construed to prohibit or restrict any of the following:

- A curbside recycling program.
- A designated residential or commercial recycling location.
- A commercial recycling program.

The act also would not apply to an ordinance that prohibited littering, as described in Section 8902 of the Natural Resources and Environmental Protection Act, or the use of auxiliary containers on property owned by a local unit of government. (Section 8902 prohibits a person from knowingly, and without consent, dumping or leaving, or causing or permitting the dumping or leaving of, litter on public or private property or water other than property set aside for such purposes.)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no impact on State government and a prospective impact on local units of government. While a few Michigan counties have been discussing the regulation of plastic bags, no local units of government in the State have current ordinances on this issue. The bill would preclude a local unit from generating revenue from fees, charges, or taxes on auxiliary containers.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.