

# SENATE BILL No. 853

March 15, 2016, Introduced by Senators STAMAS, HORN, BRANDENBURG, SHIRKEY and SCHMIDT and referred to the Committee on Commerce.

A bill to preempt local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on certain containers.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

2           (a) "Auxiliary container" means a bag, cup, bottle, or other  
3 packaging, whether reusable or single-use, that meets both of the  
4 following requirements:

5           (i) Is made of cloth, paper, plastic, cardboard, corrugated  
6 material, aluminum, glass, postconsumer recycled material, or  
7 similar material or substrates, including coated, laminated, or  
8 multilayer substrates.

9           (ii) Is designed for transporting, consuming, or protecting  
10 merchandise, food, or beverages from or at a food service or retail

1 facility.

2 (b) "Local unit of government" means a county, township, city,  
3 or village.

4 Sec. 2. Subject to section 3, a local unit of government shall  
5 not adopt or enforce an ordinance that does any of the following:

6 (a) Regulates the use, disposition, or sale of auxiliary  
7 containers.

8 (b) Prohibits or restricts auxiliary containers.

9 (c) Imposes a fee, charge, or tax on auxiliary containers.

10 Sec. 3. (1) Section 2 shall not be construed to prohibit or  
11 restrict any of the following:

12 (a) A curbside recycling program.

13 (b) A designated residential or commercial recycling location.

14 (c) A commercial recycling program.

15 (2) Section 2 does not apply to any of the following:

16 (a) An ordinance that prohibits littering, as described in  
17 section 8902 of the natural resources and environmental protection  
18 act, 1994 PA 451, MCL 324.8902.

19 (b) The use of auxiliary containers on property owned by a  
20 local unit of government.

21 Enacting section 1. This act takes effect 90 days after the  
22 date it is enacted into law.