

# HOUSE BILL No. 6505

November 27, 2018, Introduced by Rep. Cochran and referred to the Committee on Commerce and Trade.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 163 and sections 16301 and 16303 (MCL 324.16301 and 324.16303), and by adding section 16304.

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

1                   PART 163. ~~PLASTIC DEGRADABLE CONTAINERS~~ **PLASTICS**

2                   Sec. 16301. As used in this part:

3                   **(A) "CONSUMER" MEANS AN INDIVIDUAL WHO TAKES POSSESSION OF**  
4 **FOOD FROM THE RESTAURANT, IS NOT FUNCTIONING IN THE CAPACITY OF AN**  
5 **OPERATOR OF THE RESTAURANT, AND DOES NOT OFFER THE FOOD FOR RESALE.**

6                   **(B)** ~~(a)~~-"Containers" means glass, metal, or plastic bottles,  
7 cans, jars, or other receptacles that contain any substance.

8                   **(C)** ~~(b)~~-"Degradable" means capable of being broken down by  
9 biodegradation, photodegradation, or chemical degradation into  
10 component parts within 360 days under exposure to the elements.

1 (D) "FOOD" MEANS ARTICLES USED FOR FOOD OR DRINK FOR HUMANS.

2 (E) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN  
3 SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
4 MCL 600.8801.

5 (F) "RESTAURANT" MEANS A FIXED ESTABLISHMENT SERVING FOOD TO  
6 THE PUBLIC FOR CONSUMPTION INDOORS ON THE PREMISES.

7 (G) "SINGLE-USE PLASTIC STRAW" MEANS A SINGLE-USE, DISPOSABLE  
8 TUBE MADE PREDOMINANTLY OF PLASTIC DERIVED FROM EITHER PETROLEUM OR  
9 A BIOLOGICALLY BASED POLYMER, SUCH AS CORN OR OTHER PLANT SOURCES,  
10 USED TO TRANSFER A BEVERAGE FROM A CONTAINER TO THE MOUTH OF THE  
11 INDIVIDUAL DRINKING THE BEVERAGE.

12 Sec. 16303. A person who violates ~~this part~~ SECTION 16304 is  
13 guilty of a misdemeanor punishable by a fine of \$500.00 for each  
14 day this part is violated.

15 SEC. 16304. (1) A RESTAURANT SHALL NOT PROVIDE A SINGLE-USE  
16 PLASTIC STRAW TO A CONSUMER UNLESS REQUESTED BY THE CONSUMER.

17 (2) A LAW ENFORCEMENT OFFICER SHALL GIVE THE OWNER OR OPERATOR  
18 OF THE RESTAURANT A WARNING FOR A FIRST AND SECOND VIOLATION OF  
19 SUBSECTION (1). A RESTAURANT THAT VIOLATES SUBSECTION (1) A THIRD  
20 OR SUBSEQUENT TIME IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND  
21 MAY BE FINED \$25.00 FOR EACH DAY THE RESTAURANT IS IN VIOLATION,  
22 BUT NOT MORE THAN \$300.00 ANNUALLY.

23 (3) THIS SECTION DOES NOT PROHIBIT A LOCAL UNIT OF GOVERNMENT  
24 FROM ADOPTING AND IMPLEMENTING AN ORDINANCE THAT WOULD FURTHER  
25 RESTRICT THE PROVISION OF SINGLE-USE PLASTIC STRAWS.

26 Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No. \_\_\_\_ or House Bill No. 6506 (request no.  
3 06757'18 a) of the 99th Legislature is enacted into law.