REGULATION OF AUXILIARY CONTAINERS

Act 389 of 2016

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

History: 2016, Act 389, Eff. Mar. 28, 2017

The People of the State of Michigan enact:

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445.591 Definitions.

Sec. 1.

As used in this act:

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

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

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

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

History: 2016, Act 389, Eff. Mar. 28, 2017

445.592 Prohibition, restriction, or regulation of auxiliary containers by local government; prohibitions.

Sec. 2.

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

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

(b) Prohibits or restricts auxiliary containers.

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

History: 2016, Act 389, Eff. Mar. 28, 2017

445.593 Scope of MCL 445.592.

Sec. 3.

(1) Section 2 shall not be construed to prohibit or restrict any of the following:

(a) A curbside recycling program.

(b) A designated residential or commercial recycling location.

(c) A commercial recycling program.

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

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

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

History: 2016, Act 389, Eff. Mar. 28, 2017

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