

# HOUSE BILL No. 5955

June 25, 1992, Introduced by Reps. Dalman, Nye, Fitzgerald, Walberg, Brackenridge, Gilmer and McBryde and referred to the Committee on Conservation, Recreation and Environment.

A bill to regulate the usage of terminology used to designate recycled content; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Person" means an individual, partnership, corporation,  
3 association, governmental entity, or other legal entity.

4       (b) "Preconsumer waste" means residuals that are generated  
5 in-plant during the manufacture, finishing, or packaging of a  
6 product and prior to distribution to an ultimate consumer.

7       (c) "Postconsumer waste" means waste that has served its  
8 originally intended purpose, that is recovered from a person, and  
9 that has been separated from the solid waste stream for the  
10 purpose of recycling.

1       Sec. 2. (1) A product shall not be sold or offered for sale  
2 in this state that represents in its labeling or advertising that  
3 it is recycled or has recycled content, unless it is composed of  
4 preconsumer waste or postconsumer waste.

5       (2) A product that represents that it is recycled or has  
6 recycled content shall be labeled as containing preconsumer waste  
7 or postconsumer waste, or both, and the amount or percentage of  
8 preconsumer waste or postconsumer waste, or both, on the product  
9 or its packaging, as is appropriate and accurate in reflecting  
10 the contents of the product.

11       Sec. 3. A person who violates this act after receiving  
12 notice from the attorney general that the person is in violation  
13 of this act is responsible for a civil fine of \$1,000.00 per day  
14 of violation. In addition, the attorney general may seek injunc-  
15 tive relief to prevent the distribution in this state of a prod-  
16 uct that is in violation of this act.