



Senate Fiscal Agency
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Lansing, Michigan 48909-7536

BILL ANALYSIS



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Senate Bill 853 (as reported without amendment)
Sponsor: Senator Jim Stamas
Committee: Commerce

CONTENT

The bill would create a new act to prohibit a local unit of government (a county, township, city, or village) 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.

"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.

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 the Natural Resources and Environmental Protection Act, 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.

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.

Date Completed: 4-28-16

Fiscal Analyst: Elizabeth Pratt