

HOUSE BILL NO. 6424

September 28, 2022, Introduced by Rep. Hornberger and referred to the Committee on Commerce and Tourism.

A bill to prohibit the sale, offering for sale, and distribution for sale of certain disposable wipes without a warning label; to require that certain wipes be marketed as nonflushable; and to prohibit certain acts and provide civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Disposable wipe" means a nonflushable, nonwoven
- 3 disposable wipe that is premoistened and constructed from nonwoven
- 4 sheets and designed and marketed for diapering, personal hygiene,

1 or household hard-surface cleaning purposes. A disposable wipe does
2 not include a wipe product designed or marketed for cleaning or
3 medicating the anorectal or vaginal areas on the human body and is
4 labeled "flushable", "sewer safe", "septic safe", or is otherwise
5 labeled to indicate that the product is appropriate for disposal in
6 a toilet, including, but not limited to, premoistened toilet
7 tissue.

8 (b) "Label" means a display of written, printed, or graphic
9 matter on the principal display panel of a disposable wipe and
10 includes the requirements imposed under this act.

11 (c) "Principal display panel" means the side of a product
12 package that is most likely to be displayed, presented, or shown
13 under customary conditions of display for retail sale. Principal
14 display panel includes the following:

15 (i) In the case of a cylindrical or nearly cylindrical package,
16 the surface area of the principal display panel constitutes 40% of
17 the product package, as measured by multiplying the height of the
18 container by the circumference.

19 (ii) In the case of a flexible film package, in which a
20 rectangular prism or nearly rectangular prism stack of wipes is
21 housed within the film, the surface area of the principal display
22 panel constitutes the length times the width of the side of the
23 package when the flexible packaging film is pressed flat against
24 the stack of wipes on all sides of the stack.

25 Sec. 3. A disposable wipe sold, offered for sale, or
26 distributed for sale in this state must include 1 of the following
27 labels prominently displayed in a conspicuous location on the
28 principal display panel of the disposable wipe package:

29 (a) "NONFLUSHABLE."

1 (b) "DO NOT FLUSH."

2 Sec. 5. Disposable wipes marketed in this state must be
3 clearly marketed as nonflushable.

4 Sec. 7. (1) A person that violates this act is subject to a
5 civil fine as follows:

6 (a) For a first offense, a civil fine of not more than
7 \$2,000.00.

8 (b) For a second offense, a civil fine of not more than
9 \$5,000.00.

10 (c) For a third or subsequent offense, a civil fine of not
11 more than \$10,000.00.

12 (2) A violation of this act may be prosecuted by the
13 prosecutor of the county in which the violation occurred, or by the
14 attorney general.