

# SENATE BILL No. 1611

November 6, 2008, Introduced by Senators BASHAM and JACOBS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## PART 175. PLASTIC BAGS

SEC. 17501. AS USED IN THIS PART:

(A) "CARRYOUT BAG" MEANS A BAG PROVIDED BY A STORE AT THE  
POINT OF SALE FOR CUSTOMERS TO CARRY THEIR GOODS OUT OF THE STORE.

(B) "COMPOSTABLE PLASTIC CARRYOUT BAG" MEANS A CARRYOUT BAG  
THAT IS MADE OF PLASTIC AND THAT MEETS THE CURRENT AMERICAN SOCIETY  
FOR TESTING AND MATERIALS INTERNATIONAL STANDARD (ASTM) D6400 FOR  
COMPOSTABLE PLASTIC.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL

1 QUALITY.

2 (D) "NONCOMPOSTABLE PLASTIC CARRYOUT BAG" MEANS A CARRYOUT BAG  
3 THAT IS MADE OF PLASTIC AND THAT DOES NOT MEET THE CURRENT AMERICAN  
4 SOCIETY FOR TESTING AND MATERIALS INTERNATIONAL STANDARD (ASTM)  
5 D6400 FOR COMPOSTABLE PLASTIC.

6 (E) "RECYCLABLE PAPER BAG" MEANS A PAPER BAG THAT MEETS ALL OF  
7 THE FOLLOWING REQUIREMENTS:

8 (i) THE BAG CONTAINS NO FIBER FROM OLD GROWTH FOREST.

9 (ii) THE BAG IS 100% RECYCLABLE AND CONTAINS A MINIMUM OF 40%  
10 POSTCONSUMER RECYCLED CONTENT.

11 (iii) THE BAG DISPLAYS THE WORDS "REUSABLE" AND "RECYCLABLE".

12 (F) "REUSABLE BAG" MEANS ANY OF THE FOLLOWING:

13 (i) A BAG THAT IS MADE OF CLOTH OR OTHER MACHINE WASHABLE  
14 FABRIC AND THAT HAS HANDLES.

15 (ii) A DURABLE PLASTIC BAG THAT IS AT LEAST 2.25 MILS THICK,  
16 THAT IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE,  
17 AND THAT HAS HANDLES.

18 (G) "STORE" MEANS A DRUG STORE, SUPERMARKET, OR RETAIL  
19 ESTABLISHMENT THAT HAS OVER 1,000 SQUARE FEET OF RETAIL SPACE.

20 SEC. 17503. (1) BEGINNING JANUARY 1, 2010, THE OPERATOR OF A  
21 STORE SHALL NOT IN ANY MONTH PROVIDE CUSTOMERS MORE THAN 50% OF THE  
22 NUMBER OF NONCOMPOSTABLE PLASTIC CARRYOUT BAGS PROVIDED TO  
23 CUSTOMERS DURING THE FIRST FULL CALENDAR MONTH AFTER THE EFFECTIVE  
24 DATE OF THE AMENDATORY ACT THEY ADDED THIS SECTION.

25 (2) BEGINNING JANUARY 1, 2012, THE OPERATOR OF A STORE SHALL  
26 NOT PROVIDE CUSTOMERS WITH CARRYOUT BAGS UNLESS THE CARRYOUT BAGS  
27 ARE RECYCLABLE PAPER BAGS, COMPOSTABLE PLASTIC CARRYOUT BAGS, OR

1 REUSABLE BAGS.

2 (3) THE OPERATOR OF A STORE SHALL SUBMIT A REPORT DOCUMENTING  
3 THE REDUCTION IN USAGE OF NONCOMPOSTABLE PLASTIC CARRYOUT BAGS TO  
4 THE DEPARTMENT ON OR BEFORE JANUARY 1, 2011. THE REPORT SHALL BE  
5 SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT.

6 SEC. 17505. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT  
7 THIS PART PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
8 1969 PA 306, MCL 24.201 TO 24.328.

9 SEC. 17507. (1) A PERSON WHO VIOLATES THIS PART MAY BE ORDERED  
10 TO PAY A CIVIL FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN  
11 \$10,000.00 FOR EACH OFFENSE. EACH DAY DURING WHICH A VIOLATION  
12 CONTINUES CONSTITUTES A SEPARATE OFFENSE.

13 (2) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION FOR  
14 APPROPRIATE RELIEF, INCLUDING INJUNCTIVE RELIEF, FOR A VIOLATION OF  
15 THIS PART UPON REQUEST OF THE DEPARTMENT.