

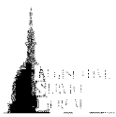
# HOUSE BILL NO. 5796

May 20, 2020, Introduced by Reps. Hood, Pohutsky, Rabhi, Kennedy, Stone, Sowerby, Yaroach, Brixie, Shannon, Manoogian, Ellison, Chirkun, Sneller, Cherry, Hammoud, Wozniak and Love and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to prohibit the sale, offering for sale, and distribution for sale of certain disposable wipes without do not flush labeling; to prescribe the powers and duties of certain state officers and entities; to provide for penalties and civil fines; and to provide for the promulgation of rules.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1. As used in this act:
- 2           (a) "Do not flush label" or "do not flush labeling" means
- 3           product packaging that includes both of the following:



(i) A logo depicting a person dropping a wipe into a toilet with a circle and diagonal line superimposed over the image to indicate not to flush the wipes. For packaging with the following size primary display panel, the logo shall be of at least the following diameter:

(A) For a display panel of not more than 5 square inches, 0.25 inch.

(B) For a display panel of more than 5 square inches and not more than 25 square inches, 0.375 inch.

(C) For a display panel of more than 25 square inches and not more than 45 square inches, 0.6 inch.

(D) For a display panel of more than 45 square inches and not more than 75 square inches, 0.75 inch.

(E) For a display panel of more than 75 square inches, 1 inch.

(ii) The word "nonflushable" in clear print.

(b) "Nonflushable disposable wipes" means premoistened wipes constructed from nonwoven sheets and designed and marketed for diapering, personal hygiene, or bathroom-surface cleaning purposes. Nonflushable disposable wipes does not include wipes, such as premoistened toilet tissue, that are both of the following:

(i) Designed and marketed for the purpose of removing menses, urine, or feces from the human body, other than in diapering.

(ii) Labeled "flushable", "sewer safe", "septic safe", or otherwise indicate that the wipes are appropriate for disposal in a toilet.

Sec. 2. (1) Except as otherwise provided in this section, a person shall not sell or offer for sale nonflushable disposable wipes that have been packaged and labelled for consumer use unless the product packaging includes do not flush labeling that meets the



1 following requirements:

2 (a) The do not flush label is unobscured by seams or folds.

3 (b) If the product packaging is intended to dispense  
4 individual wipes, the do not flush label is permanently affixed to  
5 the product packaging in a location that is visible when individual  
6 wipes are dispensed from the product packaging.

7 (2) A person shall not advertise nonflushable disposable wipes  
8 unless the advertisement includes a written statement in clear  
9 print or an oral statement that the wipes are nonflushable.

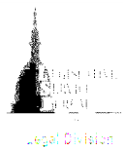
10 (3) This section does not apply to nonflushable disposable  
11 wipes sold, offered for sale, or distributed by a retailer or  
12 wholesaler that does not package or label the nonflushable  
13 disposable wipes.

14 Sec. 3. The department of environment, Great Lakes, and energy  
15 may adopt rules pursuant to the administrative procedures act of  
16 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this act.

17 Sec. 4. (1) A person that violates section 2 may be ordered to  
18 pay a civil fine of not more than \$500.00 for each violation. A  
19 person who, after being found responsible for a violation of  
20 section 2, violates section 2 a second or subsequent time, may be  
21 ordered to pay a civil fine of not more than \$2,500.00 for each  
22 violation.

23 (2) If a violation is of a continuing nature, each day that  
24 nonflushable disposable wipes are sold, offered for sale,  
25 distributed, or advertised in violation of section 2 constitutes a  
26 separate violation.

27 (3) A violation of section 2 may be prosecuted by the  
28 prosecutor of the county in which the violation occurred or by the  
29 attorney general.



1           (4) A civil fine collected for a violation of section 2 shall  
2 be deposited in the state general fund.

3           Enacting section 1. This act takes effect 2 years after the  
4 date it is enacted into law.

