

# Legislative Analysis

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## PROHIBIT LOCAL ORDINANCES ON FOOD AND BEVERAGE CONTAINERS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 853 as passed by the Senate**  
**Sponsor: Sen. Jim Stamas**  
**Senate Committee: Commerce**  
**House Committee: Commerce and Trade**  
**Complete to 9-9-16**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 389 of 2016)*

### SUMMARY:

The bill would create a new act to prohibit local ordinances that do any of the following:

- Regulate the use, disposition, or sale of auxiliary containers.
- Prohibit or restrict auxiliary containers.
- Impose a fee, charge, or tax on auxiliary containers

The term "auxiliary container" refers to bags, cups, bottles, or other packaging, whether reusable or single use that are both:

- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility; and
- Made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material or similar material or substrates, including coated, laminated, or multilayer substrates.

The term "local unit of government" refers to a county, township, city, or village.

#### *Allowable Programs*

The bill says, however, that it should not be construed to prohibit or restrict curbside recycling programs, commercial recycling programs, or designated residential or commercial recycling locations.

### FISCAL IMPACT:

By prohibiting a local unit of government from enacting ordinances related to auxiliary containers, whether they involve restrictions on use or the imposition of a fee or tax, the bill could increase costs (through refuse and recycling collection) and/or reduce potential revenues (through taxes and fees) for a local unit of government that would have enacted an ordinance but for the provisions of the bill. Currently, no local units of government have ordinances relating to auxiliary containers but discussions of ordinances have occurred in a few counties.

Legislative Analyst: Chris Couch  
Fiscal Analyst: Ben Gielczyk

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