

Act No. 389
Public Acts of 2016
Approved by the Governor
December 28, 2016
Filed with the Secretary of State
December 28, 2016
EFFECTIVE DATE: March 28, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Stamas, Horn, Brandenburg, Shirkey and Schmidt

ENROLLED SENATE BILL No. 853

AN ACT to preempt local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on certain containers.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Auxiliary container" means a bag, cup, bottle, or other packaging, whether reusable or single-use, that meets both of the following requirements:

(i) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates.

(ii) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(b) "Local unit of government" means a county, township, city, or village.

Sec. 2. Subject to section 3, a local unit of government shall not adopt or enforce an ordinance that does any of the following:

(a) Regulates the use, disposition, or sale of auxiliary containers.

(b) Prohibits or restricts auxiliary containers.

(c) Imposes a fee, charge, or tax on auxiliary containers.

Sec. 3. (1) Section 2 shall not be construed to prohibit or restrict any of the following:

(a) A curbside recycling program.

(b) A designated residential or commercial recycling location.

(c) A commercial recycling program.

(2) Section 2 does not apply to any of the following:

(a) An ordinance that prohibits littering, as described in section 8902 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8902.

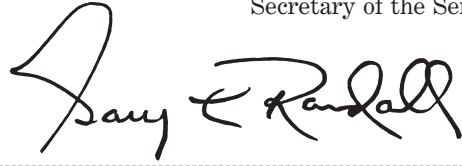
(b) The use of auxiliary containers on property owned by a local unit of government.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor