

SENATE BILL No. 1088

September 5, 2018, Introduced by Senator BIEDA and referred to the Committee on Natural Resources.

A bill to prohibit the sale, offering for sale, and distribution for sale of nonflushable nonwoven disposable wipe products 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:

4 (i) A logo depicting a person dropping an item into a toilet
5 with a circle and diagonal line superimposed over the image to
6 indicate that flushing the item is prohibited. The logo must be

1 sized in proportion to the packaging as follows:

2 (A) For packaging with a primary display panel of up to and
3 including 5 square inches, the logo must have a diameter of at
4 least 0.25 inch.

5 (B) For packaging with a primary display panel of greater than
6 5 square inches and up to and including 25 square inches, the logo
7 must have a diameter of at least 0.375 inch.

8 (C) For packaging with a primary display panel of greater than
9 25 square inches and up to and including 45 square inches, the logo
10 must have a diameter of at least 0.6 inch.

11 (D) For packaging with a primary display panel of greater than
12 45 square inches and up to and including 75 square inches, the logo
13 must have a diameter of at least 0.75 inch.

14 (E) For packaging with a primary display panel of greater than
15 75 square inches, the logo must have a diameter of at least 1 inch.

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

17 (b) "Nonflushable nonwoven disposable wipe product" means any
18 premoistened wipe product constructed from nonwoven sheets and
19 designed and marketed for diapering, personal hygiene, or bathroom-
20 surface cleaning purposes. A nonflushable nonwoven disposable wipe
21 product does not include any wipe product designed and marketed for
22 the purpose of removing feces, urine, or menses from the human body
23 and labeled "flushable", "sewer safe", "septic safe", or otherwise
24 indicating that the product is appropriate for disposal in a
25 toilet, including, but not limited to, premoistened toilet tissue.

26 Sec. 2. (1) Except as otherwise provided in this section, a
27 person shall not sell, offer for sale, or distribute for sale a

1 nonflushable nonwoven disposable wipe product unless the product
2 packaging includes do not flush labeling.

3 (2) Except as otherwise provided in this section, nonflushable
4 nonwoven disposable wipe products sold, offered for sale, or
5 distributed for sale in this state must include do not flush
6 labeling.

7 (3) Do not flush labeling included on the product packaging of
8 nonflushable nonwoven disposable wipe products sold, offered for
9 sale, or distributed for sale in this state must be unobscured by
10 seams or folds.

11 (4) For nonflushable nonwoven disposable wipe product
12 packaging intended to dispense individual wipes, the do not flush
13 label must be permanently affixed to the product packaging in a
14 location that is visible when individual wipes are dispensed from
15 the product packaging.

16 (5) The department of environmental quality shall enforce this
17 act.

18 (6) This section does not apply to nonflushable nonwoven
19 disposable wipe products without do not flush labeling that are
20 either of the following:

21 (a) Advertised, broadcasted, printed, or otherwise published
22 in an advertisement by a television or radio broadcasting station,
23 internet website, or publisher of a newspaper, magazine, or other
24 media advertiser.

25 (b) Sold, offered for sale, or distributed by a retailer or
26 wholesaler that does not package or label the nonflushable nonwoven
27 disposable wipe products.

1 (7) A person that violates this section is subject to a civil
2 fine of up to \$5,000.00 for each offense. If the violation is of a
3 continuing nature, each day that a nonflushable nonwoven disposable
4 wipe product is sold, offered for sale, or distributed in violation
5 of this section constitutes a separate offense.

6 (8) The department of environmental quality shall adopt rules
7 pursuant to the administrative procedures act of 1969, 1969 PA 306,
8 MCL 24.201 to 24.328, to carry out its duties under this act.

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