

Legislative Analysis



SMALL PLASTIC HOTEL SHAMPOO BOTTLES

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<http://www.house.mi.gov/hfa>

House Bill 5411 as introduced
Sponsor: Rep. Tullio Liberati
Committee: Commerce and Tourism
Complete to 12-10-21

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

SUMMARY:

House Bill 5411 would amend the Natural Resources and Environmental Protection Act by adding a new section to Part 143, which addresses the reduction of environmental pollutants,¹ to prohibit hotels and similar businesses from providing small plastic bottles of shampoo and similar bath products in guest rooms.

Specifically, the bill would prohibit a *lodging establishment* from providing a small *plastic* bottle or container (with a capacity less than six ounces) of shampoo, hair conditioner, or soap to an individual staying in a room, in the room itself, or in a bathroom shared by the public or guests. However, upon request, a lodging establishment *could* provide such a bottle or container to an individual at no cost, as long as it did so somewhere other than in the room, a space in the room, or a bathroom shared by the public or guests.

A lodging establishment violating this prohibition would be responsible for a civil infraction and would have to be ordered to pay a civil fine of up to \$500 for a first violation and up to \$2,000 for a second or subsequent one. A violation could be prosecuted by the prosecutor of the county where it occurred or by the attorney general.

The bill would apply to lodging establishments with more than 50 rooms beginning January 1, 2023, and to smaller establishments beginning January 1, 2024.

Lodging establishment would mean an establishment that contains one or more sleeping room accommodations that are rented or otherwise provided to the public, such as a hotel, motel, resort, bed and breakfast, or vacation rental. The term would *not* include worker housing or a hospital, nursing home, residential retirement community, prison, jail, homeless shelter, boarding school, long-term rental accommodation, or *hosted rental*.

Hosted rental would mean a house, apartment, or other livable space where the individual providing accommodations is a permanent resident who lives on the premises.

Plastic would mean any synthetic material made from organic polymers, such as polyethylene, polyvinyl chloride (PVC), or nylon, that can be molded into shape while soft and then set into a rigid or slightly elastic form. The term would include all material

¹ EGLE's most recent report on its activities under Part 143 is available here:
https://www.michigan.gov/documents/egle/FY_2020_Waste_Minimization_and_Waste_Reduction_Assistance_Report_713409_7.pdf

identified with resin codes 1 to 7 as provided in the ASTM International Resin Identification Coding System.

Proposed MCL 324.14308

FISCAL IMPACT:

House Bill 5411 would have an indeterminate fiscal impact on the state and on local units of government. The impact would depend on the number of lodging establishments found to be in violation of provisions of the bill, and, subsequently, ordered to pay civil fines.

Civil fine revenue is dedicated to public and county law libraries, but under section 8827(4) of the Revised Judicature Act, a small portion of the civil fine would be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury.

Because there is no practical way to determine the number of violations that will occur, it is not possible to determine the amount of additional revenue to the state or to public and county law libraries.

In addition, there could be a fiscal impact on local court systems, which would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.