

**SUBSTITUTE FOR
HOUSE BILL NO. 4596**

A bill to prohibit the sale, offering for sale, and distribution for sale of certain disposable wipes without meeting certain requirements; and to prohibit certain acts and provide civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Covered product" means 1 of the following:

3 (i) A premoistened nonwoven disposable wipe marketed as a baby
4 or diapering wipe.

5 (ii) A premoistened nonwoven disposable wipe that meets both of
6 the following:

7 (A) Is composed entirely or in part of petrochemical-derived
8 fibers.

1 (B) Is likely to be used in a bathroom and has significant
2 potential to be flushed, including bathroom cleaning wipes, toilet
3 cleaning wipes, hard surfacing cleaning wipes, disinfecting wipes,
4 hand sanitizing wipes, antibacterial wipes, facial and makeup
5 removal wipes, general purpose cleaning wipes, personal care wipes
6 for use on the body, feminine hygiene wipes, adult incontinence
7 wipes, adult hygiene wipes, and body cleansing wipes.

8 (b) "Label notice" means the phrase "DO NOT FLUSH" in a size
9 equal to at least 2% of the surface area of the principal display
10 panel.

11 (c) "Principal display panel" means the side of a product
12 package that is most likely to be displayed, presented, or shown
13 under customary conditions of display for retail sale. Principal
14 display panel includes the following:

15 (i) In the case of a cylindrical or nearly cylindrical package,
16 the surface area of the principal display panel constitutes 40% of
17 the product package, as measured by multiplying the height of the
18 container by the circumference.

19 (ii) In the case of a flexible film package, in which a
20 rectangular prism or nearly rectangular prism stack of wipes is
21 housed within the film, the surface area of the principal display
22 panel constitutes the length times the width of the side of the
23 package when the flexible packaging film is pressed flat against
24 the stack of wipes on all sides of the stack.

25 (d) "Symbol" means the "DO NOT FLUSH" symbol as depicted in
26 the INDA/EDANA Code of Practice Second Edition and published within
27 the "Guidelines for Assessing the Flushability of Disposable
28 Nonwoven Products, Edition 4, May 2018".

29 Sec. 3. (1) Except as otherwise provided under subsection (4),

1 a covered product sold, offered for sale, or distributed for sale
2 in this state must include 1 of the following labels prominently
3 displayed in a conspicuous location that is reasonably viewable
4 each time a covered product is dispensed:

5 (a) If the package is cylindrical or near cylindrical, comply
6 with 1 of the following options:

7 (i) The symbol and label notice must be placed on the principal
8 display panel.

9 (ii) The symbol must be placed on the principal display panel
10 and the symbol or label notice, or both, must be placed on the flip
11 lid. If the symbol or label notice, or both, is placed on the flip
12 lid under this subparagraph, the symbol or label notice, or both,
13 must cover at least 8% of the surface of the flip lid and may be
14 embossed.

15 (b) If the package is a flexible film package, the symbol must
16 be placed on the principal display panel and dispensing side panel.
17 The label notice must be placed on the principal display panel or
18 the dispensing side panel, or both.

19 (c) If the package is a refillable tub or other rigid
20 packaging intended to be reused, the symbol and label notice must
21 be placed on the principal display panel.

22 (d) If the packaging is not subject to the requirements
23 described under subdivision (a), (b), or (c), the symbol and label
24 notice must be placed on the principal display panel.

25 (2) The labels described under subsections (1) and (3) must
26 comply with all of the following:

27 (a) The seams, fold, or other package design elements must not
28 obscure the symbol and label notice.

29 (b) The symbol and label notice must appear in sharp contrast

1 to the background.

2 (c) The symbol must be sized equal to at least 2% of the
3 surface area of the principal display panel.

4 (3) If a covered product is sold, offered for sale, or
5 distributed for sale in bulk packaging the label on each individual
6 package of covered products and the outer bulk packaging must meet
7 the requirements described under subsection (1), as applicable.

8 This subsection does not apply to either of the following:

9 (a) The individual package of covered products contained
10 within the outer bulk packaging that are not intended to dispense
11 individual wipes and contain no retail labeling.

12 (b) The outer bulk packaging that does not obscure the symbol
13 and label notice on the individual packages of covered products.

14 (4) If a covered product is sold, offered for sale, or
15 distributed for sale in combination with another consumer product,
16 the outer bulk packaging of the combination product and the outer
17 packaging of the other consumer product do not have to comply with
18 the requirements of subsection (3). If a covered product is sold,
19 offered for sale, or distributed for sale in combination with
20 another consumer product and the packaging of the combination
21 product is smaller than 3 inches by 3 inches, the label on the
22 covered product complies with the requirements of subsection (1) if
23 the symbol and label notice are placed on the covered product in a
24 conspicuous location that is reasonably viewable.

25 (5) Covered products sold, offered for sale, or distributed
26 for sale in this state must not make any representation, including
27 through the use of a product name, endorsement, depiction,
28 illustration, trademark, or trade name, that a covered product is
29 flushable.

1 (6) The label requirements described under subsection (1)
2 apply to covered products that are regulated pursuant to, and to
3 the extent any label requirements do not conflict with, either of
4 the following:

5 (a) The federal hazardous substances act, 15 USC 1261 to 1278.

6 (b) The federal insecticide, fungicide, and rodenticide act, 7
7 USC 136 to 136y.

8 (7) Not later than February 1, 2025, if a covered product is
9 required to be registered with the agency or department under the
10 federal insecticide, fungicide, and rodenticide act, 7 USC 136 to
11 136y, a manufacturer of a covered product shall submit a copy of a
12 symbol and label notice that meets the requirements under
13 subsection (1) to the agency and department. If the agency
14 approves, or partially approves, the symbol and label notice, the
15 manufacturer of the covered product shall submit a copy of the
16 approved symbol and label notice to the department, and begin using
17 the symbol and label notice, or portion of the symbol or label
18 notice, that the agency approved. If the agency or department does
19 not approve the symbol and label notice, the manufacturer of the
20 covered product must use the symbol and label notice that was
21 previously approved by the agency until the agency approves a new
22 symbol and label notice. A symbol and label notice that is approved
23 or partially approved under this subsection must be in use within 6
24 months after the symbol and label notice are approved by the
25 agency. As used in this subsection:

26 (a) "Agency" means the United States Environmental Protection
27 Agency.

28 (b) "Department" means the department of agriculture and rural
29 development.

1 (8) This section is effective beginning on February 1, 2025.

2 Sec. 5. (1) A person that violates section 3 is subject to a
3 civil fine as follows:

4 (a) For a first violation, a civil fine of not more than
5 \$2,000.00.

6 (b) For a second violation, a civil fine of not more than
7 \$5,000.00.

8 (c) For a third or subsequent violation, a civil fine of not
9 more than \$10,000.00.

10 (2) A violation of section 3 may be prosecuted by the
11 prosecutor of the county in which the violation occurred, or by the
12 attorney general.