

# HOUSE BILL NO. 4596

May 17, 2023, Introduced by Reps. Mentzer, Arbit, Liberati, McFall, Shannon and Brixie and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to prohibit the sale, offering for sale, and distribution for sale of certain disposable wipes without meeting certain label 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) "Disposable wipe" means 1 of the following:
- 3           (i) A premoistened nonwoven disposable wipe marketed as a baby
- 4 or diapering wipe.

1           (ii) A premoistened nonwoven disposable wipe that meets both of  
2 the following:

3           (A) Is composed entirely or in part of petrochemical-derived  
4 fibers.

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

12           (b) "Label" means a display of written, printed, or graphic  
13 matter on the principal display panel of a disposable wipe and  
14 includes the requirements imposed under this act.

15           (c) "Notice" means the phrase "DO NOT FLUSH" in a size equal  
16 to at least 2% of the surface area of the principal display panel.

17           (d) "Principal display panel" means the side of a product  
18 package that is most likely to be displayed, presented, or shown  
19 under customary conditions of display for retail sale. Principal  
20 display panel includes the following:

21           (i) In the case of a cylindrical or nearly cylindrical package,  
22 the surface area of the principal display panel constitutes 40% of  
23 the product package, as measured by multiplying the height of the  
24 container by the circumference.

25           (ii) In the case of a flexible film package, in which a  
26 rectangular prism or nearly rectangular prism stack of wipes is  
27 housed within the film, the surface area of the principal display  
28 panel constitutes the length times the width of the side of the  
29 package when the flexible packaging film is pressed flat against

1 the stack of wipes on all sides of the stack.

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

6 Sec. 3. (1) Except as otherwise provided under subsection (4),  
7 disposable wipes sold, offered for sale, or distributed for sale in  
8 this state must include 1 of the following labels prominently  
9 displayed in a conspicuous location that is reasonably viewable  
10 each time a disposable wipe is dispensed:

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

13 (i) The symbol and notice must be placed on the principal  
14 display panel.

15 (ii) The symbol must be placed on the principal display panel  
16 and the symbol or notice, or both, must be placed on the flip lid.  
17 If the symbol or notice, or both, is placed on the flip lid under  
18 this subparagraph, the symbol or notice, or both, must cover at  
19 least 8% of the surface of the flip lid and may be embossed.

20 (b) If the package is a flexible film package, the symbol must  
21 be placed on the principal display panel and dispensing side panel.  
22 The notice must be placed on the principal display panel or the  
23 dispensing side panel, or both.

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

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

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

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

5           (b) The symbol and notice must appear in sharp contrast to the  
6 background.

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

9           (3) If disposable wipes are sold, offered for sale, or  
10 distributed for sale in bulk packaging or in combination with  
11 another product, both of the following apply:

12           (a) The label on each package of individual disposable wipes  
13 must meet the requirements described under subsection (1), as  
14 applicable.

15           (b) The outer bulk packaging or outer packing of the  
16 combination product must have a label that contains the symbol and  
17 notice on the principal display panel that is prominently displayed  
18 in a conspicuous location that is reasonably viewable.

19           (4) Disposable wipes sold, offered for sale, or distributed  
20 for sale in this state must not make any representation, including  
21 through the use of a product name, endorsement, depiction,  
22 illustration, trademark, or trade name, that a disposable wipe is  
23 flushable.

24           (5) The label requirements described under subsection (1)  
25 apply to disposable wipes that are regulated pursuant to, and to  
26 the extent any label requirements do not conflict with, either of  
27 the following:

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

29           (b) The federal insecticide, fungicide, and rodenticide act, 7

1 USC 136 to 136y.

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

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

5 (a) For a first violation, a civil fine of not more than  
6 \$2,000.00.

7 (b) For a second violation, a civil fine of not more than  
8 \$5,000.00.

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

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