

# Legislative Analysis



## REPEAL PROHIBITION ON LOCAL UNITS OF GOVERNMENT BANNING PLASTIC BAGS

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

**House Bill 4359 as introduced**  
**Sponsor: Rep. Felicia Brabec**  
**Committee: Natural Resources, Environment, Tourism  
and Outdoor Recreation**  
**Complete to 9-27-23**

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

### SUMMARY:

House Bill 4359 would repeal 2016 PA 389, an act that preempts local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on “auxiliary containers” (generally defined as bags, cups, bottles, or other packaging designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility).<sup>1</sup>

Repealing this act would have the effect of allowing local units of government to enact such ordinances in accordance with other state laws. Any ordinances which were passed before 2016 PA 389 took effect could be enforced by the municipality which enacted that local ordinance.

MCL 445.591 to 445.593 (repealed)

### FISCAL IMPACT:

House Bill 4359 would have no impact on state government and an indeterminate fiscal impact on local units of government that chose to enact an ordinance currently prohibited under the act. By repealing the act, a local unit of government would be permitted to adopt an ordinance that regulates and/or imposes fees, charges, or taxes on auxiliary containers. Any estimate of regulatory costs or revenues from a fee, charge, or tax would depend on the scope and structure of the ordinance adopted by a local unit of government and cannot be estimated at this time.

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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.

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<sup>1</sup> HFA summary of the act: <https://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-0853-C062BF2E.pdf>