

Legislative Analysis



PACKAGING OF DISPOSABLE WIPES

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

House Bill 4596 as introduced
Sponsor: Rep. Denise Mentzer
Committee: Natural Resources
Complete to 6-7-23

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

SUMMARY:

House Bill 4596 would create a new act that requires manufacturers of certain *disposable wipes* to include a *symbol* and *notice* on new products that indicates that product should not be flushed down a toilet. These requirements would apply to disposable wipes sold, offered for sale, or distributed in Michigan on and after February 1, 2025.

Disposable wipe would mean one of the following:

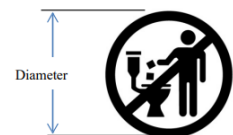
- A premoistened nonwoven disposable wipe marketed as a baby or diapering wipe.
- A premoistened nonwoven disposable wipe that meets both of the following:
 - It is composed entirely or in part of petrochemical-derived fibers.
 - It is likely to be used in a bathroom and has significant potential to be flushed, including bathroom cleaning wipes, toilet cleaning wipes, hard surfacing cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

Notice would mean the phrase “DO NOT FLUSH” in a size equal to at least 2% of the surface area of the *principal display panel*.

Principal display panel would mean the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale. Principal display panel would include the following:

- In the case of a cylindrical or nearly cylindrical package, the surface area of the principal display panel constitutes 40% of the product package, as measured by multiplying the height of the container by the circumference.
- In the case of a flexible film package, in which a rectangular prism or nearly rectangular prism stack of wipes is housed within the film, the surface area of the principal display panel constitutes the length times the width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

Symbol would mean the “DO NOT FLUSH” symbol (pictured at right) as depicted in the INDA/EDANA Code of Practice Second Edition and published in the [Guidelines for Assessing the Flushability of Disposable Nonwoven Products, Edition 4, May 2018](#).



'Do Not Flush' symbol

Beginning February 1, 2025, disposable wipes sold, offered for sale, or distributed for sale in Michigan would have to include one of the following labels prominently displayed in a conspicuous location that is reasonably viewable each time a disposable wipe is dispensed:

- For a package that is cylindrical or near cylindrical, placement of the symbol and notice must be in one of the following configurations:
 - Both are placed on the principal display panel.

- The symbol is placed on the principal display panel and the symbol or notice, or both, on the flip lid. If the symbol or notice, or both, is placed on the flip lid under, then the symbol or notice, or both, would have to cover at least 8% of the surface of the flip lid and could be embossed.
- If the package is a flexible film package, the symbol would have to be placed on the principal display panel and dispensing side panel. The notice would have to be placed on the principal display panel or the dispensing side panel, or both.
- If the package is a refillable tub or other rigid packaging intended to be reused, the symbol and notice would have to be placed on the principal display panel.

If the packaging does not meet one of these classifications, the symbol and notice would have to be placed on the principal display panel.

If disposable wipes are sold, offered for sale, or distributed for sale in bulk packaging or in combination with another product, the label on each package of individual disposable wipes would have to meet the labeling placement requirements, and the outer bulk packaging or outer packing of the combination product would have to have a label that contains the symbol and notice on the principal display panel that is prominently displayed in a conspicuous location that is reasonably viewable.

The labels would also have to comply with all the following requirements:

- The seams, fold, or other package design elements do not obscure the symbol and notice.
- The symbol and notice appear in sharp contrast to the background.
- The symbol is sized so it is equal to at least 2% of the surface area of the principal display panel.

The bill also would prohibit disposable wipes from making any representation that a disposable wipe is flushable, including the use of a product name, endorsement, depiction, illustration, trademark, or trade name.

Those violating provisions regarding product labeling and symbol placement would be guilty of a civil fine based on whether any prior violations have taken place. The penalties are as follows:

- For a first violation, a civil fine of up to \$2,000.
- For a second violation, a civil fine of up to \$5,000.
- For a third or subsequent violation, a civil fine of up to \$10,000.

A violation could be prosecuted by the prosecutor of the county in which the violation occurred or by the attorney general.

FISCAL IMPACT:

House Bill 4596 is unlikely to affect costs or revenues for state or local governments.

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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.