

HOUSE BILL No. 1185

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-18-24.

Synopsis: Synthetic plastic microbeads. Defines "synthetic plastic microbeads" as solid plastic particles that are: (1) less than five millimeters in their largest dimension; (2) not biodegradable; and (3) intentionally added to a personal care product that is used to exfoliate or cleanse and subsequently is rinsed off the human body or a part of the human body. Provides that: (1) after December 31, 2017, a person may not manufacture for sale a personal care product, except for an over the counter drug, that contains synthetic plastic microbeads; (2) after December 31, 2018, a person may not accept for sale a personal care product, except for an over the counter drug, that contains synthetic plastic microbeads; (3) after December 31, 2018, a person may not manufacture for sale an over the counter drug that contains synthetic plastic microbeads; and (4) after December 31, 2019, a person may not accept for sale an over the counter drug that contains synthetic plastic microbeads. Provides that a person who violates these prohibitions commits: (1) a Class B infraction; or (2) a Class A infraction if the person has a prior unrelated judgment for a violation.

Effective: July 1, 2015.

Bauer, Clere

January 12, 2015, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1185

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-149.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 149.8. "Over the counter drug",**
4 **for purposes of IC 13-18-24, has the meaning set forth in**
5 **IC 13-18-24-1.**

6 SECTION 2. IC 13-11-2-158.2 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2015]: **Sec. 158.2. "Personal care product",**
9 **for purposes of IC 13-18-24, has the meaning set forth in**
10 **IC 13-18-24-2.**

11 SECTION 3. IC 13-11-2-163.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2015]: **Sec. 163.5. "Plastic", for purposes of**
14 **IC 13-18-24, has the meaning set forth in IC 13-18-24-3.**

15 SECTION 4. IC 13-11-2-227.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: **Sec. 227.5. "Synthetic plastic**
 3 **microbead", for purposes of IC 13-18-24, has the meaning set forth**
 4 **in IC 13-18-24-4.**

5 SECTION 5. IC 13-18-24 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]:

8 **Chapter 24. Prohibition on Certain Products that Contain**
 9 **Microbeads**

10 **Sec. 1. As used in this chapter, "over the counter drug" means**
 11 **a personal care product that contains a label that:**

12 (1) identifies the product as a drug as required by 21 CFR
 13 201.66; and

14 (2) includes:

15 (A) a drug facts panel; or

16 (B) a statement of active ingredients and a list of the
 17 ingredients contained in the personal care product.

18 **Sec. 2. (a) As used in this chapter, "personal care product"**
 19 **means:**

20 (1) an article intended to be:

21 (A) rubbed on;

22 (B) poured on;

23 (C) sprinkled on;

24 (D) sprayed on;

25 (E) introduced into; or

26 (F) otherwise applied to;

27 the human body or a part of the human body for purposes of
 28 cleansing, beautifying, promoting the attractiveness of, or
 29 altering the appearance of the human body or a part of the
 30 human body; and

31 (2) any other article intended for use as a component of an
 32 article described in subdivision (1).

33 (b) The term does not include a prescription drug.

34 **Sec. 3. As used in this chapter, "plastic" means a synthetic**
 35 **material made from linking monomers through a chemical**
 36 **reaction to create an organic polymer chain that may be molded or**
 37 **extruded at high heat into various solid forms that retain the**
 38 **defined shapes of the solid forms:**

39 (1) during the life cycle of; and

40 (2) after the disposal of;

41 the solid forms.

42 **Sec. 4. As used in this chapter, "synthetic plastic microbead"**



- 1 means a solid plastic particle that is:
2 (1) less than five (5) millimeters in its largest dimension;
3 (2) not biodegradable; and
4 (3) intentionally added to a personal care product that:
5 (A) is used to exfoliate or cleanse; and
6 (B) subsequently is rinsed off;
7 the human body or a part of the human body.
- 8 Sec. 5. After December 31, 2017, a person may not manufacture
9 for sale a personal care product, except for an over the counter
10 drug, that contains synthetic plastic microbeads.
- 11 Sec. 6. After December 31, 2018, a person may not accept for
12 sale a personal care product, except for an over the counter drug,
13 that contains synthetic plastic microbeads.
- 14 Sec. 7. After December 31, 2018, a person may not manufacture
15 for sale an over the counter drug that contains synthetic plastic
16 microbeads.
- 17 Sec. 8. After December 31, 2019, a person may not accept for
18 sale an over the counter drug that contains synthetic plastic
19 microbeads.
- 20 Sec. 9. A person who violates this chapter commits a Class B
21 infraction. However, the offense is a Class A infraction if the
22 person has a prior unrelated judgment for a violation of this
23 chapter.

