



March 10, 2015

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# ENGROSSED HOUSE BILL No. 1185

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DIGEST OF HB 1185 (Updated March 5, 2015 1:26 pm - DI 55)

**Citations Affected:** IC 13-11; IC 13-18.

**Synopsis:** Synthetic plastic microbeads. Defines "synthetic plastic microbead" as a solid plastic particle that is: (1) less than five millimeters in its largest dimension; (2) not biodegradable; and (3) intentionally added to a personal care product that is used to exfoliate or cleanse and is subsequently 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 any of 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.

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## Bauer, Clere, Pierce

(SENATE SPONSORS — CHARBONNEAU, STOOPS, BASSLER, TALLIAN,  
ZAKAS, RANDOLPH)

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January 12, 2015, read first time and referred to Committee on Environmental Affairs.  
January 29, 2015, reported — Do Pass.  
February 2, 2015, read second time, ordered engrossed. Engrossed.  
February 3, 2015, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Commerce & Technology.  
March 9, 2015, reported favorably — Do Pass.

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EH 1185—LS 6518/DI 69





March 10, 2015

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.

## ENGROSSED HOUSE BILL No. 1185

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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

**EH 1185—LS 6518/DI 69**



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.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1185 as introduced.)

WOLKINS

Committee Vote: Yeas 11, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill No. 1185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1185 as printed January 30, 2015.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 0

