

HOUSE BILL 216

M3

5lr1003
CF SB 200

By: **Delegates Morhaim, Carr, Chang, Ebersole, Fraser-Hidalgo, Frush, Krimm, Lafferty, Lam, McComas, ~~and K. Young~~ K. Young, Angel, Hettleman, Hill, C. Howard, Luedtke, Platt, and Smith**

Introduced and read first time: February 2, 2015

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 **Environment – Personal Care Products Containing Synthetic Plastic**
3 **Microbeads – Prohibition on Manufacturing or Sale**

4 FOR the purpose of prohibiting a person from manufacturing for sale or accepting for sale
5 a personal care product or an over-the-counter drug that contains synthetic plastic
6 microbeads on or after certain dates; defining certain terms; and generally relating
7 to synthetic plastic microbeads.

8 BY adding to

9 Article – Environment

10 Section 9–2001 and 9–2002 to be under the new subtitle “Subtitle 20. Personal Care
11 Products”

12 Annotated Code of Maryland
13 (2014 Replacement Volume)

14 Preamble

15 WHEREAS, Synthetic plastic microbeads, a synthetic alternative ingredient to such
16 natural materials as ground almonds, oatmeal, and pumice, found in over 100 personal care
17 products including facial cleansers, shampoos, and toothpastes, pose a serious threat to the
18 State’s environment; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, Although synthetic plastic microbeads are a safe and effective mild
2 abrasive ingredient used for gently removing dead skin, there are concerns about the
3 potential environmental impact of these materials; and

4 WHEREAS, Synthetic plastic microbeads have been documented to collect harmful
5 pollutants already present in the environment and harm fish and other aquatic organisms
6 that form the base of the aquatic food chain; and

7 WHEREAS, While more research is needed on the potential adverse consequences
8 synthetic plastic microbeads may have on the environment, many cosmetic manufacturers
9 have already begun a voluntary process for identifying alternatives to synthetic plastic
10 microbeads; and

11 WHEREAS, Without significant and costly improvements to the majority of the
12 State's sewage treatment facilities, synthetic plastic microbeads will continue to pollute
13 Maryland's waters; now, therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 **SUBTITLE 20. PERSONAL CARE PRODUCTS.**

18 **9–2001.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) “BIODEGRADABLE” MEANS CAPABLE OF DECOMPOSING IN
22 ACCORDANCE WITH RELEVANT ESTABLISHED GUIDELINES OF ASTM
23 INTERNATIONAL, ORGANISATION FOR ECONOMIC CO-OPERATION AND
24 DEVELOPMENT, OR COMPARABLE ORGANIZATIONS OR AUTHORITIES RECOGNIZED
25 BY THE DEPARTMENT.

26 ~~(B)~~ (C) “OVER-THE-COUNTER DRUG” MEANS A DRUG THAT IS A
27 PERSONAL CARE PRODUCT THAT CONTAINS A LABEL, DRUG FACT PANEL, OR LIST OF
28 THE ACTIVE INGREDIENTS THAT IDENTIFIES THE PRODUCT AS A DRUG AS REQUIRED
29 UNDER 21 C.F.R. SECTION 201.66 (FORMAT AND CONTENT REQUIREMENTS FOR
30 OVER-THE-COUNTER (OTC) DRUG PRODUCT LABELING).

31 ~~(C)~~ (D) (1) “PERSONAL CARE PRODUCT” MEANS A MANUFACTURED
32 GOOD OR A COMPONENT OF A MANUFACTURED GOOD THAT IS INTENDED TO BE
33 RUBBED, Poured, SPRINKLED, OR SPRAYED ON, INTRODUCED INTO, OR OTHERWISE

1 APPLIED TO THE HUMAN BODY FOR PURPOSES OF CLEANSING, BEAUTIFYING,
2 PROMOTING ATTRACTIVENESS, OR ALTERING APPEARANCE.

3 (2) "PERSONAL CARE PRODUCT" DOES NOT INCLUDE A
4 PRESCRIPTION DRUG.

5 ~~(D)~~ (E) "PLASTIC" MEANS A SYNTHETIC MATERIAL THAT IS MADE FROM
6 LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC
7 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO VARIOUS
8 SOLID FORMS THAT RETAIN A DEFINED SHAPE DURING THEIR LIFE CYCLE ~~AND~~
9 ~~AFTER DISPOSAL.~~

10 ~~(E)~~ (F) "SYNTHETIC PLASTIC MICROBEAD" MEANS ANY INTENTIONALLY
11 ADDED ~~NONBIODEGRADABLE~~ SOLID PLASTIC PARTICLE THAT IS NOT
12 BIODEGRADABLE THAT:

13 (1) MEASURES LESS THAN 5 MILLIMETERS IN SIZE; AND

14 (2) IS USED IN A RINSE-OFF PERSONAL CARE PRODUCT FOR
15 EXFOLIATION OR CLEANSING PURPOSES.

16 9-2002.

17 (A) (1) THIS SUBSECTION DOES NOT APPLY TO OVER-THE-COUNTER
18 DRUGS.

19 (2) ON OR AFTER DECEMBER 31, 2017, A PERSON MAY NOT
20 MANUFACTURE FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC
21 PLASTIC MICROBEADS.

22 (3) ON OR AFTER DECEMBER 31, 2018, A PERSON MAY NOT ACCEPT
23 FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC PLASTIC
24 MICROBEADS.

25 (B) (1) ON OR AFTER DECEMBER 31, 2018, A PERSON MAY NOT
26 MANUFACTURE FOR SALE AN OVER-THE-COUNTER DRUG THAT CONTAINS
27 SYNTHETIC PLASTIC MICROBEADS.

28 (2) ON OR AFTER DECEMBER 31, 2019, A PERSON MAY NOT ACCEPT
29 FOR SALE AN OVER-THE-COUNTER DRUG THAT CONTAINS SYNTHETIC PLASTIC
30 MICROBEADS.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.