



2015 SENATE BILL 18

February 3, 2015 - Introduced by Senators WIRCH, L. TAYLOR, CARPENTER, ERPENBACH, HARRIS DODD, HANSEN, C. LARSON, LASSA, MILLER, RISSER, BEWLEY, VINEHOUT, SHILLING and RINGHAND, cosponsored by Representatives OHNSTAD, BARNES, BARCA, BERCEAU, BROSTOFF, CONSIDINE, DANOU, DOYLE, GOYKE, HESSELBEIN, HINTZ, JOHNSON, KOLSTE, MEYERS, MILROY, MASON, POPE, SARGENT, SINICKI, SUBECK, SPREITZER, STUCK, C. TAYLOR, ZAMARRIPA, HEBL, KESSLER, WACHS, YOUNG, BILLINGS, ZEPNICK, SHANKLAND, GENRICH, JORGENSEN, KAHL, BOWEN and RIEMER. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to create** 100.275 of the statutes; **relating to:** the manufacture, sale, and
2 distribution of products containing microbeads and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill generally prohibits, with certain exceptions, the manufacture of a personal care product containing microbeads (small, nonbiodegradable plastic particles) beginning January 1, 2016. "Personal care product" is defined in the bill. The bill also prohibits, with certain exceptions, selling or distributing a personal care product containing microbeads beginning January 1, 2017.

The bill creates different effective dates for these prohibitions for over-the-counter drugs. "Over-the-counter drug" is also defined in the bill. Under this bill, a person may not manufacture a personal care product that is an over-the-counter drug containing microbeads beginning January 1, 2017, and may not sell or distribute such a product beginning January 1, 2018. This bill does not apply to the manufacture, sale, or distribution of prescription drugs.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 100.275 of the statutes is created to read:

SENATE BILL 18**SECTION 1****1 100.275 Products containing synthetic plastic microbeads. (1)**

2 DEFINITIONS. In this section:

3 (a) “Over-the-counter drug” means a substance or product that may be
4 dispensed without a prescription and that contains a label which identifies the
5 product as a drug as required by 21 CFR 201.66.

6 (b) “Personal care product” means any article, or a component of any article,
7 that is intended to be applied to or introduced into the human body for cleansing,
8 beautifying, promoting attractiveness, or altering appearance, except that “personal
9 care product” does not include a prescription drug.

10 (c) “Plastic” means a synthetic material made from linking monomers through
11 a chemical reaction to create an organic polymer chain that can be molded or
12 extruded at high heat into various solid forms that retain their defined shapes
13 throughout their life cycle and after their disposal.

14 (d) “Synthetic plastic microbead” means any intentionally added
15 nonbiodegradable, solid plastic particle measuring less than 5 millimeters at its
16 largest dimension.

17 **(2) RESTRICTIONS.** (a) Beginning on January 1, 2016, no person may produce
18 or manufacture a personal care product containing synthetic plastic microbeads,
19 except for a product that is an over-the-counter drug.

20 (b) Beginning on January 1, 2017, no person may do any of the following:

21 1. Sell, offer for sale, or distribute a personal care product containing synthetic
22 plastic microbeads, except for a product that is an over-the-counter drug.

23 2. Produce or manufacture a personal care product that is an over-the-counter
24 drug containing synthetic plastic microbeads.

