

HOUSE BILL 216

M3

5r1003
CF 5r1639

By: **Delegates Morhaim, Carr, Chang, Ebersole, Fraser-Hidalgo, Frush, Krimm, Lafferty, Lam, McComas, and K. Young**

Introduced and read first time: February 2, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

10 **Article – Environment**

11 **SUBTITLE 20. PERSONAL CARE PRODUCTS.**

12 **9–2001.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

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

20 (C) (1) “PERSONAL CARE PRODUCT” MEANS A MANUFACTURED GOOD OR
21 A COMPONENT OF A MANUFACTURED GOOD THAT IS INTENDED TO BE RUBBED,
22 Poured, SPRINKLED, OR SPRAYED ON, INTRODUCED INTO, OR OTHERWISE APPLIED
23 TO THE HUMAN BODY FOR PURPOSES OF CLEANSING, BEAUTIFYING, PROMOTING
24 ATTRACTIVENESS, OR ALTERING APPEARANCE.

25 (2) “PERSONAL CARE PRODUCT” DOES NOT INCLUDE A
26 PRESCRIPTION DRUG.

27 (D) “PLASTIC” MEANS A SYNTHETIC MATERIAL THAT IS MADE FROM
28 LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC
29 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO VARIOUS
30 SOLID FORMS THAT RETAIN A DEFINED SHAPE DURING THEIR LIFE CYCLE AND
31 AFTER DISPOSAL.

32 (E) “SYNTHETIC PLASTIC MICROBEAD” MEANS ANY INTENTIONALLY ADDED
33 NONBIODEGRADABLE SOLID PLASTIC PARTICLE THAT:

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

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

4 **9-2002.**

5 **(A) (1) THIS SUBSECTION DOES NOT APPLY TO OVER-THE-COUNTER**
6 **DRUGS.**

7 **(2) ON OR AFTER DECEMBER 31, 2017, A PERSON MAY NOT**
8 **MANUFACTURE FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC**
9 **PLASTIC MICROBEADS.**

10 **(3) ON OR AFTER DECEMBER 31, 2018, A PERSON MAY NOT ACCEPT**
11 **FOR SALE A PERSONAL CARE PRODUCT THAT CONTAINS SYNTHETIC PLASTIC**
12 **MICROBEADS.**

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

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

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