

HOUSE BILL 216

M3

(5lr1003)

ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced 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**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

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; requiring the Department of the Environment
7 to adopt certain regulations; requiring the Department to periodically review certain
8 guidelines to ensure that certain methods are being utilized to prevent the entrance of
9 synthetic plastic microbeads into the natural aquatic environment of the State;
10 defining certain terms; and generally relating to synthetic plastic microbeads.

11 BY adding to
12 Article – Environment

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 9–2001 ~~and 9–2002~~ *through 9–2003* to be under the new subtitle “Subtitle
2 20. Personal Care Products”
3 Annotated Code of Maryland
4 (2014 Replacement Volume)

5 Preamble

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

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

13 WHEREAS, Existing biodegradable plastics do not currently biodegrade in the cool
14 temperatures of the marine environment; and

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

18 WHEREAS, Innovation in biodegradable plastics and development of standards for
19 biodegradable plastics are ongoing; and

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

24 WHEREAS, Without significant and costly improvements to the majority of the
25 State’s sewage treatment facilities, synthetic plastic microbeads will continue to pollute
26 Maryland’s waters; and

27 WHEREAS, It is the intent of the General Assembly to prevent the release of plastic
28 microbeads into and persistence of plastic microbeads in the natural aquatic environment;
29 now, therefore,

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

32 **Article – Environment**

33 **SUBTITLE 20. PERSONAL CARE PRODUCTS.**

34 **9–2001.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) ~~“BIODEGRADABLE” MEANS CAPABLE OF DECOMPOSING IN
4 ACCORDANCE WITH RELEVANT ESTABLISHED GUIDELINES OF ASTM
5 INTERNATIONAL, ORGANISATION FOR ECONOMIC CO-OPERATION AND
6 DEVELOPMENT, OR COMPARABLE ORGANIZATIONS OR AUTHORITIES RECOGNIZED
7 BY THE DEPARTMENT:~~

8 (1) IN A MARINE ENVIRONMENT; AND

9 (2) IN WASTEWATER TREATMENT PLANT PROCESSES IN ACCORDANCE
10 WITH RELEVANT ESTABLISHED GUIDELINES IDENTIFIED BY THE DEPARTMENT,
11 SUCH AS:

12 (I) ASTM INTERNATIONAL;

13 (II) ORGANISATION FOR ECONOMIC CO-OPERATION AND
14 DEVELOPMENT;

15 (III) INTERNATIONAL ORGANIZATION FOR STANDARDIZATION;

16 OR

17 (IV) OTHER COMPARABLE ORGANIZATIONS OR AUTHORITIES.

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

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

28 (2) “PERSONAL CARE PRODUCT” DOES NOT INCLUDE A
29 PRESCRIPTION DRUG.

30 ~~(D)~~ (E) “PLASTIC” MEANS A SYNTHETIC MATERIAL THAT IS MADE FROM
31 LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC
32 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO VARIOUS

1 SOLID FORMS THAT RETAIN A DEFINED SHAPE DURING ~~THEIR LIFE-CYCLE~~ USE BY A
 2 CONSUMER AND AFTER DISPOSAL.

3 ~~(E)~~ (F) “SYNTHETIC PLASTIC MICROBEAD” MEANS ANY INTENTIONALLY
 4 ADDED ~~NONBIODEGRADABLE~~ SOLID PLASTIC PARTICLE THAT IS NOT
 5 BIODEGRADABLE THAT:

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

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

9 9-2002.

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

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

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

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

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

24 9-2003.

25 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS IDENTIFYING
 26 BIODEGRADABLE GUIDELINES THAT ARE ACCEPTABLE FOR USE BY A WASTEWATER
 27 TREATMENT PLANT.

28 (B) THE DEPARTMENT SHALL PERIODICALLY REVIEW THE BIODEGRADABLE
 29 GUIDELINES TO ENSURE THAT THE MOST SCIENTIFICALLY EFFECTIVE METHODS ARE
 30 BEING UTILIZED TO PREVENT, TO THE MAXIMUM EXTENT PRACTICABLE, THE
 31 ENTRANCE OF SYNTHETIC PLASTIC MICROBEADS IN THE NATURAL AQUATIC
 32 ENVIRONMENT OF THE STATE.

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.