

SENATE BILL 200

M3

5lr1639
CF HB 216

By: ~~Senator Conway~~ Senators Conway, Pinsky, Rosapepe, Montgomery, Young,
Nathan-Pulliam, Simonaire, Bates, Salling, and Waugh

Introduced and read first time: February 2, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 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 BACK INTO
22 NATURAL ELEMENTS:

23 (1) IN A NATURAL ENVIRONMENT, INCLUDING A MARINE
24 ENVIRONMENT; OR

25 (2) IN WASTEWATER TREATMENT PLANT PROCESSES, IN
26 ACCORDANCE WITH RELEVANT ESTABLISHED GUIDELINES OF ASTM
27 INTERNATIONAL, ORGANISATION FOR ECONOMIC CO-OPERATION AND
28 DEVELOPMENT, OR COMPARABLE ORGANIZATIONS OR AUTHORITIES RECOGNIZED
29 BY THE DEPARTMENT.

30 ~~(B)~~ (C) “OVER-THE-COUNTER DRUG” MEANS A DRUG THAT IS A
31 PERSONAL CARE PRODUCT THAT CONTAINS A LABEL, DRUG FACT PANEL, OR LIST OF
32 THE ACTIVE INGREDIENTS THAT IDENTIFIES THE PRODUCT AS A DRUG AS REQUIRED

1 UNDER 21 C.F.R. SECTION 201.66 (FORMAT AND CONTENT REQUIREMENTS FOR
2 OVER-THE-COUNTER (OTC) DRUG PRODUCT LABELING).

3 ~~(C)~~ (D) (1) "PERSONAL CARE PRODUCT" MEANS A MANUFACTURED
4 GOOD OR A COMPONENT OF A MANUFACTURED GOOD THAT IS INTENDED TO BE
5 RUBBED, Poured, SPRINKLED, OR SPRAYED ON, INTRODUCED INTO, OR OTHERWISE
6 APPLIED TO THE HUMAN BODY FOR PURPOSES OF CLEANSING, BEAUTIFYING,
7 PROMOTING ATTRACTIVENESS, OR ALTERING APPEARANCE.

8 (2) "PERSONAL CARE PRODUCT" DOES NOT INCLUDE A
9 PRESCRIPTION DRUG.

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

15 ~~(E)~~ (F) "SYNTHETIC PLASTIC MICROBEAD" MEANS ANY INTENTIONALLY
16 ADDED ~~NONBIODEGRADABLE~~ SOLID PLASTIC PARTICLE THAT IS NOT
17 BIODEGRADABLE THAT:

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

19 (2) IS USED IN A ~~RINSE-OFF~~ PERSONAL CARE PRODUCT FOR
20 EXFOLIATION ~~OR~~, CLEANSING, OR COSMETIC PURPOSES.

21 9-2002.

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.