

## Chapter 409

**(House Bill 216)**

AN ACT concerning

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

FOR the purpose of prohibiting a person from manufacturing for sale or accepting for sale a personal care product or an over-the-counter drug that contains synthetic plastic microbeads on or after certain dates; requiring the Department of the Environment to adopt certain regulations; requiring the Department to periodically review certain guidelines to ensure that certain methods are being utilized to prevent the entrance of synthetic plastic microbeads into the natural aquatic environment of the State; defining certain terms; and generally relating to synthetic plastic microbeads.

BY adding to

Article – Environment

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

## Preamble

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

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

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

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

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

WHEREAS, While more research is needed on the potential adverse consequences synthetic plastic microbeads may have on the environment, many cosmetic manufacturers

have already begun a voluntary process for identifying alternatives to synthetic plastic microbeads; and

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

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

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

**Article – Environment**

**SUBTITLE 20. PERSONAL CARE PRODUCTS.**

**9-2001.**

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

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

(1) IN A MARINE ENVIRONMENT; AND

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

(I) ASTM INTERNATIONAL;

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

(III) INTERNATIONAL ORGANIZATION FOR STANDARDIZATION;  
OR

(IV) OTHER COMPARABLE ORGANIZATIONS OR AUTHORITIES.

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

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

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

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

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

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

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

9-2002.

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

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

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

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

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

**9-2003.**

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

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

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

Approved by the Governor, May 12, 2015.