

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 216

(Delegate Morhaim, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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

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This bill prohibits the manufacture of a personal care product containing “synthetic plastic microbeads” beginning December 31, 2017, and the sale of such a product beginning December 31, 2018. The bill also prohibits the manufacture of an “over-the-counter drug” containing synthetic plastic microbeads beginning December 31, 2018, and the sale of such a product beginning December 31, 2019. The bill defines “synthetic plastic microbead” as any intentionally added solid plastic particle that is not biodegradable, less than five millimeters in size, and used in a rinse-off personal care product for exfoliation or cleansing purposes. The Maryland Department of the Environment (MDE) must adopt regulations identifying biodegradable guidelines that are acceptable for use by a wastewater treatment plant. MDE must periodically review those 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.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State operations or finances. MDE can develop the required guidelines and regulations with existing budgeted resources. In addition, assuming that the personal care product and over-the-counter drug industries continue to voluntarily phase out the use of plastic microbeads, MDE can conduct enforcement on a complaint basis with existing budgeted resources.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** Minimal, as discussed below.

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## Analysis

**Current Law:** State law does not currently prohibit the sale or manufacture of products containing plastic microbeads. Although the Secretary of the Environment is required by statute to provide for the enforcement of any provision within the Environment Article, or any regulation adopted under the Environment Article, there is no general authority to levy penalties that is applicable to this bill.

**Background:** The State of Illinois became the first state to ban the manufacture or sale of plastic microbeads from personal care products in June 2014. Since then, the New Jersey Legislature passed a similar phased-in ban, which was subsequently vetoed by the Governor, but with proposed changes. Similar legislation has recently been introduced in the U.S. Congress as well as several states, including California, New York, and Washington.

Supporters of a ban on the use of microbeads contend that plastic microbeads cannot be treated by conventional wastewater treatment technologies, resulting in their discharge into waterways and posing a threat to the ecosystem through ingestion by fish and other animals in the food chain. Microbeads also pose a potential public health threat from human consumption of fish and other animals that have ingested microbeads, as well as from the pollution of water supplies. Some supporters also contend that any ban of microbeads should also cover biodegradable plastic microbeads, as plastic only biodegrades under limited conditions.

Several of the largest producers of personal care products containing microbeads have agreed to phase out microbeads from their products within a few years, and generally intend to use alternatives such as crushed seeds and nutshells; however, it is unclear whether microbead producers will use only natural alternatives.

**Small Business Effect:** Assuming the affected industry continues to implement its plan to phase out the use of plastic microbeads, and given the multi-year compliance deadline for the sale of affected products, it is assumed that small business retailers are able to sell existing and future inventories prior to commencement of the ban. It is further assumed that the sale of alternative products does not meaningfully affect the profits or revenues of small business retailers.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 200 (Senator Conway) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of the Environment; Department of Health and Mental Hygiene; Law360.com; *San Francisco Chronicle*; *Chicago Tribune*; the State of New Jersey; the Office of Congressmen Frank Pallone, Jr.; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2015  
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