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SENATE BILL 5431

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State of Washington

64th Legislature

2015 Regular Session

By Senators Chase, Hasegawa, and Benton

Read first time 01/21/15. Referred to Committee on Energy,  
Environment & Telecommunications.

1 AN ACT Relating to synthetic plastic microbeads; adding a new  
2 chapter to Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that microbeads, a  
5 synthetic alternative ingredient to such natural materials as ground  
6 almonds, oatmeal, and pumice, found in over one hundred personal care  
7 products, including facial cleansers, shampoos, and toothpastes, pose  
8 a serious threat to the state's environment. Microbeads have been  
9 documented to collect harmful pollutants already present in the  
10 environment and harm fish and other aquatic organisms that form the  
11 base of the aquatic food chain. Although synthetic plastic microbeads  
12 are a safe and effective mild abrasive ingredient effectively used  
13 for gently removing dead skin, there are recent concerns about the  
14 potential environmental impact of these materials. More research is  
15 needed on any adverse consequences and a number of cosmetic  
16 manufacturers have already begun a voluntary process for identifying  
17 alternatives that allay those concerns. Those alternatives must be  
18 carefully evaluated to ensure safety and implemented in a timely  
19 manner.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter unless the context clearly requires  
3 otherwise.

4        (1) "Over-the-counter drug" means a drug that is a personal care  
5 product that contains a label that identifies the product as a drug  
6 as required by 21 C.F.R. Sec. 201.66. An "over-the-counter drug"  
7 label includes:

8            (a) A drug facts panel; or

9            (b) A statement of the active ingredients with a list of those  
10 ingredients contained in the compound, substance, or preparation.

11        (2) "Personal care product" means any article intended to be  
12 rubbed, poured, sprinkled, or sprayed on, introduced into, or  
13 otherwise applied to the human body or any part thereof for  
14 cleansing, beautifying, promoting attractiveness, or altering the  
15 appearance and any article intended for use as a component of such an  
16 article. "Personal care product" does not include any prescription  
17 drugs.

18        (3) "Plastic" means a synthetic material made from linking  
19 monomers through a chemical reaction to create an organic polymer  
20 chain that can be molded or extruded at high heat into various solid  
21 forms retaining their defined shapes during life cycle and after  
22 disposal.

23        (4) "Synthetic plastic microbead" means any intentionally added  
24 nonbiodegradable solid plastic particle measured less than five  
25 millimeters in size and is used to exfoliate or cleanse in a rinse-  
26 off product.

27        NEW SECTION.    **Sec. 3.**    (1) Beginning January 1, 2018, no person  
28 may manufacture for sale a personal care product, except for an over-  
29 the-counter drug, that contains synthetic plastic microbeads.

30        (2) Beginning January 1, 2019, no person may:

31            (a) Distribute, sell, or offer for promotion a personal care  
32 product, except for an over-the-counter drug, that contains synthetic  
33 plastic microbeads; or

34            (b) Manufacture for sale an over-the-counter drug that contains  
35 synthetic plastic microbeads.

36        (3) Beginning January 1, 2020, no person may distribute or sell  
37 an over-the-counter drug that contains synthetic plastic microbeads.

1        NEW SECTION.    **Sec. 4.**    (1) A manufacturer in violation of this  
2 chapter is subject to a civil penalty not to exceed five thousand  
3 dollars for each violation in the case of a first offense.  
4 Manufacturers who are repeat violators are subject to a civil penalty  
5 not to exceed ten thousand dollars for each repeat offense. Penalties  
6 collected under this section must be deposited in the state toxics  
7 control account created in RCW 70.105D.070.

8        (2) Retailers who unknowingly sell products that are restricted  
9 from sale under this chapter are not liable under this chapter.

10       NEW SECTION.    **Sec. 5.**    The provisions of this act preempt and  
11 repeal any local laws, ordinances, or resolutions of a municipality,  
12 county, or any other local government that are inconsistent with,  
13 more restrictive than, or exceed the requirements of state law and  
14 may not be enacted regardless of the nature of the code, charter, or  
15 home rule status of such a city, town, county, or municipality.

16       NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act  
17 constitute a new chapter in Title 70 RCW.

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