
SENATE BILL 5609

State of Washington

64th Legislature

2015 Regular Session

By Senators Bailey, Ranker, Hatfield, Baumgartner, Lias, and Rolfes

Read first time 01/26/15. Referred to Committee on Energy,
Environment & Telecommunications.

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

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

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

8 (1) "Department" means the department of ecology.

9 (2) "Over-the-counter drug" means a drug that is required by 21
10 C.F.R. 201.66, as it existed on the effective date of this section,
11 to contain a label that identifies the product as a drug, displays a
12 drug facts panel, and provides a statement regarding the active
13 ingredient or active ingredients contained in the compound,
14 substance, or preparation.

15 (3) "Personal care product" means an article, or item intended to
16 be included as a component of an article, intended to be rubbed,
17 poured, sprinkled, sprayed on, introduced into, or otherwise applied
18 to the human body for cleansing, beautifying, promoting
19 attractiveness, or altering the appearance. This term includes, but
20 is not limited to, hand and body soap, exfoliants, shampoos,
21 toothpastes, and scrubs.

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

6 (5) "Synthetic plastic microbead" means an intentionally added
7 nonbiodegradable solid plastic particle measuring less than five
8 millimeters in size and used to exfoliate or cleanse in a rinse-off
9 product.

10 NEW SECTION. **Sec. 2.** As of January 1, 2018, a person may not
11 produce or manufacture a personal care product containing synthetic
12 plastic microbeads in the state of Washington.

13 NEW SECTION. **Sec. 3.** As of January 1, 2020, a person may not:

14 (1) Knowingly accept for sale in the state of Washington a
15 personal care product or an over-the-counter drug containing
16 synthetic plastic microbeads; or

17 (2) Produce or manufacture an over-the-counter drug containing
18 synthetic plastic microbeads in the state of Washington.

19 NEW SECTION. **Sec. 4.** (1) The department may impose a civil
20 penalty of not less than one thousand dollars, and not more than ten
21 thousand dollars, for each violation of this chapter. If the
22 violation is of a continuing manner, each day during which it
23 continues constitutes an additional, separate, and distinct offense.

24 (2) The department may, in addition to imposing civil penalties
25 under this section, bring an action in a court of competent
26 jurisdiction seeking injunctive relief to prevent or end a violation
27 of this chapter and the court may grant the requested injunction.

28 NEW SECTION. **Sec. 5.** The provisions of this chapter preempt and
29 supersede any ordinance by a city, county, or other municipality
30 concerning synthetic plastic microbeads.

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

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