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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

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

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

NEW SECTION. **Sec.**  The legislature finds that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal, and pumice, found in over one hundred personal care products, including facial cleansers, shampoos, and toothpastes, pose a serious threat to the state's environment. 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. Although synthetic plastic microbeads are a safe and effective mild abrasive ingredient effectively used for gently removing dead skin, there are recent concerns about the potential environmental impact of these materials. More research is needed on any adverse consequences and a number of cosmetic manufacturers have already begun a voluntary process for identifying alternatives that allay those concerns. Those alternatives must be carefully evaluated to ensure safety and implemented in a timely manner.

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

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

(a) A drug facts panel; or

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

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

(3) "Plastic" means a synthetic material 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 retaining their defined shapes during life cycle and after disposal.

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

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

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

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

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

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

NEW SECTION. **Sec.**  (1) A manufacturer in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.l05D.070.

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

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

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

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