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**SUBSTITUTE SENATE BILL 5609**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Energy, Environment & Telecommunications (originally sponsored by Senators Bailey, Ranker, Hatfield, Baumgartner, Lias, and Rolfes)

READ FIRST TIME 02/20/15.

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.

20 (4) "Plastic" means a synthetic material made from linking  
21 monomers through a chemical reaction to create an organic polymer

1 chain that can be molded or extruded at high heat into various solid  
2 forms retaining their defined shapes during their life cycle and  
3 after disposal.

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

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

11 NEW SECTION. **Sec. 3.** As of January 1, 2020, a person may not:  
12 (1) Knowingly accept for sale in the state of Washington a  
13 personal care product or an over-the-counter drug containing  
14 synthetic plastic microbeads; or  
15 (2) Produce or manufacture an over-the-counter drug containing  
16 synthetic plastic microbeads in the state of Washington.

17 NEW SECTION. **Sec. 4.** (1) The department may impose a civil  
18 penalty of not less than one thousand dollars, and not more than ten  
19 thousand dollars, for each violation of this chapter. If the  
20 violation is of a continuing manner, each day during which it  
21 continues constitutes an additional, separate, and distinct offense.  
22 (2) The department may, in addition to imposing civil penalties  
23 under this section, bring an action in a court of competent  
24 jurisdiction seeking injunctive relief to prevent or end a violation  
25 of this chapter and the court may grant the requested injunction.

26 NEW SECTION. **Sec. 5.** The provisions of this chapter preempt and  
27 supersede any ordinance by a city, county, or other municipality  
28 concerning synthetic plastic microbeads in personal care products and  
29 over-the-counter drugs.

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

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