

JAN 25 2017

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# A BILL FOR AN ACT

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RELATING TO ENVIRONMENTAL PROTECTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that synthetic plastic  
2 microbeads pose a serious threat to the natural environment.  
3 Synthetic plastic microbeads are an ingredient in many personal  
4 care products and are used for exfoliating dead skin cells.  
5 However, sewage waste treatment facilities are unable to filter  
6 synthetic plastic microbeads out of wastewater because of their  
7 small size. As a result, synthetic plastic microbeads are often  
8 discharged into the ocean along with the treated wastewater and  
9 absorb toxic pollutants in the water. Marine life is endangered  
10 because fish and other wildlife easily swallow the synthetic  
11 plastic microbeads, potentially causing DNA damage and even  
12 death.

13       The legislature also finds that Congress passed the  
14 Microbead-Free Waters Act of 2015, which prohibits:

15       (1) The manufacture of rinse-off cosmetics, except  
16           nonprescription drugs, that contain intentionally  
17           added plastic microbeads beginning on July 1, 2017,



1 and introduction or delivery for introduction into  
2 interstate commerce rinse-off cosmetics, except  
3 nonprescription drugs, beginning on July 1, 2018; and

- 4 (2) The manufacture of rinse-off cosmetics that are  
5 nonprescription drugs beginning on July 1, 2018, and  
6 introduction or delivery for introduction into  
7 interstate commerce rinse-off cosmetics that are  
8 nonprescription drugs beginning on July 1, 2019.

9 Furthermore, the State has an interest in protecting its natural  
10 environment and decreasing the amount of waste flowing into its  
11 waters. To address similar environmental concerns, Illinois and  
12 California recently enacted a gradual ban for the elimination of  
13 synthetic plastic microbeads from personal care products.

14 The purpose of this Act is to phase in a prohibition on the  
15 manufacture and sale in Hawaii of personal care products that  
16 contain synthetic plastic microbeads.

17 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§342H- Prohibition of synthetic plastic microbeads.

21 (a) Beginning December 31, 2019, no person shall manufacture



1 for sale in Hawaii a personal care product, except for an over-  
2 the-counter drug, that contains synthetic plastic microbeads.

3 (b) Beginning December 31, 2020, no person shall accept  
4 for sale a personal care product, except for an over-the-counter  
5 drug, that contains synthetic plastic microbeads.

6 (c) Beginning December 31, 2020, no person shall  
7 manufacture for sale in Hawaii an over-the-counter drug that  
8 contains synthetic plastic microbeads.

9 (d) Beginning December 31, 2021, no person shall accept  
10 for sale an over-the-counter drug that contains synthetic  
11 plastic microbeads.

12 (e) Any person who violates this section shall be liable  
13 for a civil penalty of up to \$1,000 for the first violation of  
14 this section and a civil penalty of up to \$2,500 for a second or  
15 subsequent violation of this section.

16 (f) The department shall adopt rules, pursuant to chapter  
17 91, necessary for the purposes of implementing this section.

18 (g) This section shall preempt any ordinance or resolution  
19 of a municipality, county, or any other local government entity  
20 concerning synthetic plastic microbeads.

21 (h) As used in this section:



1       "Over-the-counter drug" means a drug that is a personal  
2 care product that contains a label that identifies the product  
3 as a drug as required by title 21 Code of Federal Regulations  
4 section 201.66. An "over-the-counter drug" label includes a  
5 drug facts panel or a statement of the active ingredients with a  
6 list of those ingredients contained in the compound, substance,  
7 or preparation.

8       "Personal care product" means any article intended to be  
9 rubbed, poured, sprinkled, or sprayed on, introduced into, or  
10 otherwise applied to the human body or any part thereof for  
11 cleansing, beautifying, promoting attractiveness, or altering  
12 the appearance, and any article intended for use as a component  
13 of the article. "Personal care product" does not include any  
14 prescription drug.

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

20       "Synthetic plastic microbead" means any intentionally added  
21 non-biodegradable solid plastic particle measuring less than



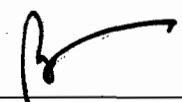
1 five millimeters in size and used to exfoliate or cleanse in a  
2 rinse-off product."

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2017.  
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# S.B. NO. 1198

**Report Title:**

Health; Environmental Protection; Synthetic Plastic Microbeads;  
Marine Life

**Description:**

Phases in a prohibition on the manufacture and sale of personal care products containing synthetic plastic microbeads.

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