

ACT 156

S.B. NO. 2290

A Bill for an Act Relating to Microbeads.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that plastic microbeads in many beauty products are harmful to coral and marine life. Plastic microbeads can enter the ocean when they come off the skin of swimmers, or through the sewer system when they are eventually washed off in the shower, as they are too small to be filtered out by most treatment facilities, and can often absorb chemicals and toxins found in water along the way. Plastic microbeads can enter the ocean by the billions, which are then ingested by marine life, passing up through the food chain to the humans who eat fish.

The purpose of this Act is to phase in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. The legislature notes that nothing in this Act shall be construed to apply to rinse-off cosmetics and rinse-off cosmetics that are also non-prescription drugs, as these products are exclusively regulated by the federal government pursuant to the federal Microbead-Free Waters Act of 2015.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§321- Prohibition of plastic microbeads; personal care products; non-prescription drugs.** (a) Beginning July 1, 2022, no person shall manufacture in the State a personal care product, except for a non-prescription drug, that contains plastic microbeads.

(b) Beginning July 1, 2023, no person shall:

- (1) Sell or offer for sale in the State a personal care product, except for a non-prescription drug, that contains plastic microbeads; or
- (2) Manufacture in the State a non-prescription drug that contains plastic microbeads.

(c) Beginning July 1, 2024, no person shall sell or offer for sale in the State a non-prescription drug that contains plastic microbeads.

(d) Nothing in this section shall be construed to apply to any rinse-off cosmetic or rinse-off cosmetic that is also a non-prescription drug as regulated pursuant to the federal Microbead-Free Waters Act of 2015, Public Law 114-114.

(e) As used in this section:

“Personal care product” means an 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 hygiene or attractiveness; or altering one’s appearance; and any article intended for use as a component of the article. “Personal care product” does not include any prescription drug.

“Plastic microbead” means a solid plastic particle that is less than five millimeters in size and that is intended to be used to exfoliate or cleanse the human body or any part thereof.”

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

**Note**

1. Edited pursuant to HRS §23G-16.5.