



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 85

S.P. 33

In Senate, January 20, 2015

**An Act To Prohibit Synthetic Plastic Microbeads in Personal Care
Products and Over-the-counter Drugs**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative WELSH of Rockport and
Senators: DAVIS of Piscataquis, HAMPER of Oxford, MIRAMANT of Knox,
Representatives: DUCHESNE of Hudson, POULIOT of Augusta, TEPLER of Topsham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §419-D** is enacted to read:

3 **§419-D. Synthetic plastic microbeads**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Over-the-counter drug" means a drug that is a personal care product that contains
7 a label that identifies the product as a drug as required by 21 Code of Federal
8 Regulations, Section 201.66 (2014). Such a label includes but is not limited to a drug
9 facts panel or a statement of the active ingredients with a list of those ingredients
10 contained in the base compound, substance or preparation.

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

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

20 D. "Synthetic plastic microbead" means any intentionally added nonbiodegradable
21 solid plastic particle measuring less than 5 millimeters in size and used to exfoliate or
22 cleanse in a product intended to be rinsed off.

23 **2. Prohibitions.** A person may not:

24 A. After December 31, 2017, manufacture for sale a personal care product, except
25 for an over-the-counter drug, that contains synthetic plastic microbeads;

26 B. After December 31, 2018, accept for sale a personal care product, except for an
27 over-the-counter drug, that contains synthetic plastic microbeads;

28 C. After December 31, 2018, manufacture for sale an over-the-counter drug that
29 contains synthetic plastic microbeads; and

30 D. After December 31, 2019, accept for sale an over-the-counter drug that contains
31 synthetic plastic microbeads.

32 **SUMMARY**

33 This bill establishes dates after which the manufacture for sale or acceptance for sale
34 of personal care products containing synthetic plastic microbeads is prohibited. It also
35 establishes dates after which the manufacture for sale or acceptance for sale of an over-
36 the-counter drug containing synthetic plastic microbeads is prohibited.