

JAN 17 2020

A BILL FOR AN ACT

RELATING TO MICROBEADS.

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

1 SECTION 1. The purpose of this Act is to phase in a
2 prohibition on the manufacture and sale in Hawaii of certain
3 personal care products and non-prescription drugs that contain
4 synthetic plastic microbeads. The legislature notes that
5 nothing in this Act shall be construed to apply to rinse-off
6 cosmetics and rinse-off cosmetics that are also non-prescription
7 drugs, as these products are exclusively regulated by the
8 federal government pursuant to the federal Microbead-Free Waters
9 Act of 2015.

10 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
11 amended by adding a new section to part I to be appropriately
12 designated and to read as follows:

13 "§328- Prohibition of synthetic plastic microbeads;
14 personal care products; non-prescription drugs. (a) Beginning
15 July 1, 2021, no person shall manufacture in the State a
16 personal care product, except for a non-prescription drug, that
17 contains synthetic plastic microbeads.



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- 1 (b) Beginning July 1, 2022, no person shall:
- 2 (1) Sell or offer for sale in the State a personal care
3 product, except for a non-prescription drug, that
4 contains synthetic plastic microbeads; or
- 5 (2) Manufacture in the State a non-prescription drug that
6 contains synthetic plastic microbeads.
- 7 (c) Beginning July 1, 2023, no person shall sell or offer
8 for sale in the State a non-prescription drug that contains
9 synthetic plastic microbeads.
- 10 (d) Any person who violates this section shall be liable
11 for a civil penalty of up to \$3,000 for the first violation and
12 a civil penalty of up to \$6,000 for a second or subsequent
13 violation.
- 14 (e) This section shall preempt any county ordinance
15 concerning synthetic plastic microbeads.
- 16 (f) Nothing in this section shall be construed to apply to
17 any rinse-off cosmetic or rinse-off cosmetic that is also a non-
18 prescription drug as regulated pursuant to the federal
19 Microbead-Free Waters Act of 2015, Public Law 114-114.
- 20 (g) As used in this section:



1 "Non-prescription drug" means a drug not subject to section
2 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
3 353(b)(1)).

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

11 "Plastic" means a synthetic material derived from fossil
12 fuels or biomass and made from linking monomers through a
13 chemical reaction to create an organic polymer chain that can be
14 molded or extruded at high heat into various solid forms
15 retaining their defined shapes during life cycle and after
16 disposal, including but not limited to polyethylene,
17 polypropylene, polyethylene terephthalate, polymethyl
18 methacrylate, or nylon.

19 "Synthetic plastic microbead" means any intentionally added
20 solid plastic particle measuring two millimeters in size or
21 larger."



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

4 SECTION 4. If any provision of this Act, or the
 5 application thereof to any person or circumstance, is held
 6 invalid, the invalidity does not affect other provisions or
 7 applications of the Act that can be given effect without the
 8 invalid provision or application, and to this end the provisions
 9 of this Act are severable.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: By Request *Glenn L...*

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Report Title:

Synthetic Plastic Microbeads; Manufacture or Sale; Personal Care Products; Non-prescription Drugs; Prohibition

Description:

Beginning 7/1/2021: bans the manufacture of a personal care product, except a non-prescription drug, that contains synthetic plastic microbeads. Beginning 7/1/2022: bans the sale or offer for sale of a personal care product, except a non-prescription drug, that contains synthetic plastic microbeads and bans the manufacture of a non-prescription drug that contains synthetic plastic microbeads. Beginning 7/1/2023: bans the sale or offer for sale of a non-prescription drug that contains synthetic plastic microbeads. Specifically exempts rinse-off cosmetics and rinse-off cosmetics that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015.

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