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# A BILL FOR AN ACT

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  
9 where they absorb toxic pollutants in the water. Marine life is  
10 endangered because fish and other wildlife easily swallow the  
11 synthetic plastic microbeads, potentially causing DNA damage and  
12 even death.

13           The legislature also finds that the State has an interest  
14 in protecting its natural environment and decreasing the amount  
15 of waste flowing into its waters. To address similar  
16 environmental concerns, Illinois recently enacted a gradual ban  
17 for the elimination of synthetic plastic microbeads from



1 personal care products. New York, California, and New Jersey  
2 have also introduced legislation banning microbeads.

3 The purpose of this Act is to phase out, and ultimately  
4 prohibit, the manufacture and sale in Hawaii of personal care  
5 products that contain synthetic plastic microbeads.

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

9 "§342H- Prohibition of synthetic plastic microbeads.

10 (a) Beginning December 31, 2017, no person shall manufacture  
11 for sale in Hawaii a personal care product, except for an over-  
12 the-counter drug, that contains synthetic plastic microbeads.

13 (b) Beginning December 31, 2018, no person shall accept  
14 for sale a personal care product, except for an over-the-counter  
15 drug, that contains synthetic plastic microbeads.

16 (c) Beginning December 31, 2018, no person shall  
17 manufacture for sale in Hawaii an over-the-counter drug that  
18 contains synthetic plastic microbeads.

19 (d) Beginning December 31, 2019, no person shall accept  
20 for sale an over-the-counter drug that contains synthetic  
21 plastic microbeads.



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

5       (f) The department shall adopt rules, pursuant to chapter  
6 91, necessary for the purposes of implementing this section.

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

10       (h) As used in this section:

11       "Over-the-counter drug" means a drug that is a personal  
12 care product that contains a label that identifies the product  
13 as a drug as required by 21 CFR 201.66. An "over-the-counter  
14 drug" label includes a drug facts panel or a statement of the  
15 active ingredients with a list of those ingredients contained in  
16 the compound, substance, or preparation.

17       "Personal care product" means any article intended to be  
18 rubbed, poured, sprinkled, or sprayed on, introduced into, or  
19 otherwise applied to the human body or any part thereof for  
20 cleansing, beautifying, promoting attractiveness, or altering  
21 the appearance, and any article intended for use as a component



1 of the article. "Personal care product" does not include any  
2 prescription drug.

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

8 "Synthetic plastic microbead" means any intentionally added  
9 non-biodegradable solid plastic particle measuring less than  
10 five millimeters in size and used to exfoliate or cleanse in a  
11 rinse-off product."

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2053.



**Report Title:**

Health; Environmental Protection; Synthetic Plastic Microbeads;  
Marine Life

**Description:**

Gradually prohibits the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life. Effective 7/1/2053. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

