1	S.47
2	Introduced by Senators Campion and Snelling
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; water resources; personal care
6	products; over-the-counter drugs; microbeads
7	Statement of purpose of bill as introduced: This bill proposes to prohibit the
8	manufacture and sale of personal care products and over-the-counter drugs that
9	contain synthetic plastic microbeads.
10 11	An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. FINDINGS
14	The General Assembly finds:
15	(1) Microbeads are a synthetic alternative ingredient in personal care
16	products and over-the-counter drugs that are used in place of natural materials
17	such as ground almonds, oatmeal, and pumice.
18	(2) Microbeads are found in over 100 personal care products and
19	over-the-counter drugs that are sold in the State, including facial cleansers,

1	shampoos, and toothpastes, and that ultimately are flushed down drains as part
2	of the intended use of the product.
3	(3) Municipal wastewater treatment plants do not effectively filter
4	microbeads from water discharged to rivers and lakes in the State.
5	(4) Plastic microbeads are persistent organic compounds that attract
6	other pollutants commonly present in the environment, many of which are
7	recognized to have serious deleterious impacts on human health or the
8	environment, including dichlorodiphenyltrichloroethane (DDT),
9	dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs),
10	and flame-retardants.
11	(5) Chemicals from plastics, such as PCBs, polycyclic aromatic
12	hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer
13	to fish tissue during digestion, bioaccumulate, and result in liver damage.
14	(6) Fish consumed by humans have been found to have ingested plastic
15	microbeads.
16	(7) There are economically feasible alternatives to plastic microbeads,
17	as indicated by the current use of biodegradable, natural, and abrasive
18	materials in many consumer personal care products and over-the-counter
19	<u>drugs.</u>
20	(8) Updating municipal wastewater treatment plants so that they
21	effectively filter microbeads would be costly and take many years.

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1	(9) To prevent the continued harmful effects of microbeads on State
2	waters without expending significant time and money to update wastewater
3	treatment plants, personal care products and over-the-counter drugs containing
4	synthetic microbeads should be banned from manufacture and sale in the State.
5	Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read:
6	Subchapter 5. Detergents and, Household Cleansing Products,
7	and Personal Care Products
8	§ 1381. DEFINITIONS
9	As used in this subchapter:
10	* * *
11	(2) "Household cleansing product" means any product, including but not
12	limited to soaps and detergents used for domestic or commercial cleaning
13	purposes, including but not limited to, the cleansing of fabric, dishes, food
14	utensils, and household and commercial premises. Household cleansing
15	product shall not mean:
16	(A) Food food, drugs, and cosmetics, including personal care items
17	such as toothpaste, shampoo, and hand soap;
18	(B) Products products labeled, advertised, marketed, and distributed
19	for use primarily as economic poisons as defined in 6 V.S.A. § 911(5).

* * *

1	(7) "Biodegradable" means the capability of a substance to break down
2	completely in the natural environment that the substance is likely to encounter
3	within 24 months of its disposal, through a biological process of
4	decomposition into elements or compounds commonly found in that
5	environment.
6	(8) "Over-the-counter drug" means a compound, substance, or
7	preparation that contains a label that identifies the product as a drug, as
8	required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a
9	statement of the active ingredient or ingredients contained in the compound,
10	substance, or preparation.
11	(9)(A) "Personal care product" means any article intended to be rubbed,
12	poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the
13	human body or any part thereof for cleansing, beautifying, promoting
14	attractiveness, or altering the appearance, and any article intended for use as a
15	component of any such article.
16	(B) "Personal care product" shall not include any prescription drug,
17	as that term is defined in 18 V.S.A. § 4201(41).
18	(10) "Plastic" means a synthetic material made from linking monomers
19	through a chemical reaction to create an organic polymer chain that can be
20	molded or extruded at high heat into various solid forms retaining their defined
21	shapes during life cycle and after disposal.

1	(11) "Synthetic plastic microbead" means an intentionally added
2	nonbiodegradable solid plastic particle less than five millimeters in size used to
3	exfoliate or cleanse in a rinse-off product.
4	§ 1382. PROHIBITIONS <u>; HOUSEHOLD CLEANING PRODUCTS</u>
5	(a) No household cleansing products containing a phosphorus compound in
6	concentrations in excess of a trace quantity may be distributed, sold, offered
7	for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in
8	a commercial establishment in this state State, except as set forth in
9	subsections (b) and (c) of this section.
10	* * *
11	§ 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS;
12	OVER-THE-COUNTER DRUGS; MICROBEADS
13	(a) Manufacture of personal care products. Beginning on January 1, 2017,
14	no person shall manufacture in the State a personal care product that contains
15	synthetic plastic microbeads, except for an over-the-counter drug.
16	(b) Sale of personal care products. Beginning on January 1, 2018, no
17	person shall sell, offer for sale, offer for promotion, or otherwise distribute in
18	the State a personal care product that contains synthetic plastic microbeads,
19	except for an over-the-counter drug.

1	(c) Manufacture of over-the-counter drugs. Beginning on January 1, 2018
2	no person shall manufacture in the State an over-the-counter drug containing
3	synthetic plastic microbeads.
4	(d) Sale of over-the-counter drugs. Beginning on January 1, 2019, no
5	person shall sell, offer for sale, offer for promotion, or otherwise distribute in
5	the State an over-the-counter drug that contains synthetic plastic microbeads.
7	* * *
3	Sec. 3. EFFECTIVE DATE
9	This act shall take effect on July 15, 2015.