

# House Calendar

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Friday, January 23, 2015

17th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Third Reading**

**H. 10**

An act relating to approval of amendments to the charter of the Town of Barre

**Favorable with Amendment**

**H. 4**

An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads

**Rep. McCullough of Williston**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) Microbeads are a synthetic alternative ingredient in personal care products and over-the-counter drugs that are used in place of natural materials such as ground almonds, oatmeal, and pumice.

(2) Microbeads are found in over 100 personal care products and over-the-counter drugs that are sold in the State and that ultimately are flushed down drains as part of the intended use of the product.

(3) Most municipal wastewater treatment plants in the State do not effectively filter microbeads from water discharged to rivers and lakes.

(4) Plastic microbeads are persistent organic compounds that attract other pollutants commonly present in the environment, many of which are recognized to have serious deleterious impacts on human health or the environment, including dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs), and flame-retardants.

(5) Chemicals from plastics, such as PCBs, polycyclic aromatic hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer to fish tissue during digestion, bioaccumulate, and result in liver damage.

(6) Fish consumed by humans have been found to have ingested plastic microbeads.

(7) There are economically feasible alternatives to plastic microbeads, as indicated by the current use of biodegradable, natural, and abrasive materials in many consumer personal care products.

(8) Updating municipal wastewater treatment plants so that they effectively filter microbeads likely would be costly and take many years.

(9) To prevent the continued harmful effects of microbeads on State waters without expending significant time and money to update wastewater treatment plants, synthetic microbeads should be banned from manufacture and sale in the State.

Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read:

Subchapter 5. Detergents ~~and~~, Household Cleansing Products, and Personal Care Products

§ 1381. DEFINITIONS

As used in this subchapter:

\* \* \*

(2) “Household cleansing product” means any product, including ~~but not limited to~~ soaps and detergents used for domestic or commercial cleaning purposes, including ~~but not limited to~~, the cleansing of fabric, dishes, food utensils, and household and commercial premises. Household cleansing product shall not mean:

(A) ~~Food~~ food, drugs, and cosmetics, including personal care items such as toothpaste, shampoo, and hand soap;

(B) ~~Products~~ products labeled, advertised, marketed, and distributed for use primarily as economic poisons as defined in 6 V.S.A. § 911(5).

\* \* \*

(7) “Biodegradable” means the capability of a substance to break down completely in the natural environment that the substance is likely to encounter within 24 months of its disposal, through a biological process of decomposition into elements or compounds commonly found in that environment.

(8) “Over-the-counter drug” means a compound, substance, or preparation that contains a label that identifies the product as a drug, as required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a statement of the active ingredient or ingredients contained in the compound, substance, or preparation.

(9)(A) “Personal care product” means any 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 attractiveness, or altering the appearance, and any article intended for use as a component of any such article.

(B) “Personal care product” shall not include any prescription drug, as that term is defined in 18 V.S.A. § 4201(41).

(10) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal.

(11) “Synthetic plastic microbead” means an intentionally added nonbiodegradable solid plastic particle less than five millimeters in size.

§ 1382. PROHIBITIONS; HOUSEHOLD CLEANING PRODUCTS

(a) No household cleansing products containing a phosphorus compound in concentrations in excess of a trace quantity may be distributed, sold, offered for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in a commercial establishment in this ~~state~~ State, except as set forth in subsections (b) and (c) of this section.

\* \* \*

§ 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS; OVER-THE-COUNTER DRUGS; MICROBEADS

(a) Manufacture of personal care products. Beginning on December 31, 2017, no person shall manufacture in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(b) Sale of personal care products. Beginning on December 31, 2018, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(c) Manufacture of over-the-counter drugs. Beginning on December 31, 2018, no person shall manufacture in the State an over-the-counter drug containing synthetic plastic microbeads.

(d) Sale of over-the-counter drugs. Beginning on December 31, 2019, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State an over-the-counter drug that contains synthetic plastic microbeads.

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

( Committee Vote: 8-0-1)

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 11**

An act relating to the membership of the Commission on Alzheimer's Disease and Related Disorders

**Rep. McCoy of Poultney**, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 3085b is amended to read:

§ 3085b. COMMISSION ON ALZHEIMER'S DISEASE AND RELATED DISORDERS

(a) The Commission on Alzheimer's Disease and Related Disorders is created.

(b) The Commission shall be composed of ~~17~~ 20 members: the ~~Commissioner~~ Commissioners of Disabilities, Aging, and Independent Living and of Health or a ~~designee~~ designees, one Senator chosen by the Committee on Committees of the Senate, one Representative chosen by the Speaker of the House, and ~~14~~ 16 members appointed by the Governor. The members appointed by the Governor shall represent the following groups and organizations: physicians, social workers, nursing home managers, the clergy, adult day center providers, the business community, registered nurses, residential care home operators, family care providers, the home health agency, the legal profession, mental health service providers, the area agencies on aging, University of Vermont's Center on Aging, the Support and Services at Home (SASH) program, and the Alzheimer's Association. The members appointed by the Governor shall represent, to the degree possible, the five regions of the State.

(c) Members appointed by the Governor shall be appointed for terms of three years and shall serve at the pleasure of the Governor. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed only for the unexpired portion of the term.

(d) Legislative members shall be entitled to compensation and expenses as provided in 2 V.S.A. § 406 for no more than six meetings per year; the

remaining members shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010 for no more than six meetings per year. Payment to legislative members shall be from the appropriation to the Legislature. Payment to the remaining members shall be from the appropriation to the Department of Disabilities, Aging, and Independent Living.

\* \* \*

(h) Annually, on or before January 15, the Commission shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

( **Committee Vote: 11-0-0** )

### **Favorable**

#### **H. 17**

An act relating to identification and notification of Public Records Act exemptions in administrative rules

**Rep. Cole of Burlington**, for the Committee on **Government Operations**, recommends the bill ought to pass.

( **Committee Vote: 10-0-1** )

### **Consent Calendar**

#### **Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of 1/22/2015.

#### **H.C.R. 7**

House concurrent resolution congratulating the 2014 Wendy's High School Heisman Awards' Vermont State winners Abigail Schmidt and John Winslow

#### **H.C.R. 8**

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**H.C.R. 9**

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**H.C.R. 12**

House concurrent resolution designating January 2015 as National Mentoring Month in Vermont

**H.C.R. 13**

House concurrent resolution in memory of former Representative Marion Milne of Washington

**H.C.R. 14**

House concurrent resolution congratulating the Dolloff Acres Farm in Springfield on its winning the 2014 Vermont Dairy Farm of the Year Award

**Information Notice**

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