LRB-1245/1 MCP:eev:jf

2015 SENATE BILL 15

January 29, 2015 – Introduced by Senators Cowles, Olsen, Carpenter, Darling, Erpenbach, Farrow, Harsdorf, Lassa, Miller, L. Taylor and Vinehout, cosponsored by Representatives Czaja, Kitchens, Mason, Born, E. Brooks, Danou, Doyle, Heaton, Johnson, Kahl, Kolste, Krug, Kulp, T. Larson, Macco, Meyers, A. Ott, Quinn, Ripp, Rohrkaste, Sargent, Spiros, Steffen, Swearingen, Thiesfeldt, VanderMeer, Murphy, Weatherston, Milroy, Sinicki, Stuck and Allen. Referred to Committee on Natural Resources and Energy.

AN ACT to amend 299.97 (1); and to create 299.50 of the statutes; relating to:

the manufacture and acceptance for sale of products containing microbeads.

Analysis by the Legislative Reference Bureau

This bill generally prohibits, with certain exceptions, the manufacture of a personal care product containing microbeads (small, non-biodegradable plastic particles) beginning December 31, 2017. "Personal care product" is defined in the bill. The bill also prohibits, with certain exceptions, accepting a personal care product containing microbeads for sale beginning December 31, 2018.

The bill creates different effective dates for these prohibitions for over-the-counter drugs. "Over-the-counter drug" is also defined in the bill. Under this bill, a person may not manufacture a personal care product that is an over-the-counter drug containing microbeads beginning December 31, 2018, and may not accept such a product for sale beginning December 31, 2019. This bill does not apply to the manufacture or sale of prescription drugs.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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299.50	Products	containing	synthetic	plastic	microbeads.	(1)
DEFINITIONS.	In this section	on:				

- (a) "Over-the-counter drug" means a substance or product that may be dispensed without a prescription and that contains a label which identifies the product as a drug as required by 21 CFR 201.66 and which includes a drug facts panel or a statement of the active ingredient or ingredients with a list of those ingredients contained in the compound, substance, or preparation.
- (b) "Personal care product" means any article, or a component of any article, that is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance, except that "personal care product" does not include a prescription drug.
- (c) "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 that retain their defined shapes throughout their life cycle and after their disposal.
 - (d) "Political subdivision" means a city, village, town, or county.
- (e) "Synthetic plastic microbead" means any intentionally added non-biodegradable, solid plastic particle measuring less than 5 millimeters at its largest dimension that is used to exfoliate or cleanse in a product that is intended to be rinsed off.
- (2) Restrictions. (a) Beginning on December 31, 2017, no person may produce or manufacture a personal care product containing synthetic plastic microbeads, except for a product that is an over-the-counter drug.
 - (b) Beginning on December 31, 2018, no person may do any of the following:

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- 1. Accept for sale a personal care product containing synthetic plastic microbeads, except for a product that is an over-the-counter drug.
 - 2. Produce or manufacture a personal care product that is an over-the-counter drug containing synthetic plastic microbeads.
 - (c) Beginning December 31, 2019, no person may accept for sale a personal care product that is an over-the-counter drug containing synthetic plastic microbeads.
 - (3) Penalty and enforcement. Any person who violates sub. (2) may be required to forfeit not more than \$500 for each violation. The department or any district attorney may on behalf of the state bring an action for temporary or permanent injunctive relief for any violation of this section.
 - (4) LOCAL REGULATION. (a) A political subdivision may not enact an ordinance or adopt a resolution concerning the manufacture, sale, or distribution of products containing synthetic plastic microbeads.
 - (b) If a political subdivision has in effect on the effective date of this paragraph [LRB inserts date], an ordinance or resolution that is inconsistent with par. (a), the ordinance or resolution does not apply and may not be enforced.
 - **Section 2.** 299.97 (1) of the statutes is amended to read:
- 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47 (2), 299.50 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) or 299.64 (2), or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty does not accrue.