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## HOUSE BILL NO. 1697

Offered January 14, 2015

Prefiled January 12, 2015

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1424.3, relating to plastic microbeads; penalty.

Patrons—Bulova and Simon

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 10.1-1424.3 as follows:**

**§ 10.1-1424.3. Sale of products containing synthetic plastic microbeads prohibited; penalty.**

A. 1. On and after January 1, 2018, no person shall produce or manufacture in the Commonwealth a personal care product, except for an over-the-counter drug, containing synthetic plastic microbeads for consumer use or any other purpose.

2. On and after January 1, 2019, no person shall accept for sale or offer for promotion in the Commonwealth a personal care product, except for an over-the-counter drug, containing synthetic plastic microbeads for consumer use or any other purpose.

3. On and after January 1, 2019, no person shall produce or manufacture in the Commonwealth an over-the-counter drug containing synthetic plastic microbeads for consumer use or any other purpose.

4. On or after January 1, 2020, no person shall accept for sale or offer for promotion in the Commonwealth an over-the-counter drug containing synthetic plastic microbeads.

B. For the purpose of this section:

"Over-the-counter drug" means a drug that is a personal care product and that bears a label identifying the product as a drug as required by 21 CFR 201.66. An over-the-counter drug label includes a drug facts panel or a statement of the active ingredients with a list of the ingredients contained in the compound, substance, or preparation.

"Personal cosmetic 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. The definition of personal cosmetic product does not include any prescription drug.

"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.

"Synthetic plastic microbead" means any intentionally added solid plastic particle measured to be less than five millimeters in size and intended to exfoliate or cleanse in a rinse-off product. The definition of synthetic plastic microbead does not include a naturally occurring biopolymer or other compound that is proven to biodegrade in marine and freshwater aquatic environments in accordance with relevant standards set by ASTM or the State Water Control Board.

C. Every person convicted of a violation of the provisions of this section or regulations adopted hereunder shall be subject to a civil penalty of not less than \$250 and not more than \$10,000 for each day of violation. Each day of violation shall constitute a separate offense. All civil penalties assessed pursuant to this section shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-2500 et seq.).

INTRODUCED

HB1697