
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 January 1, 2019, no person shall manufacture for
11 sale in Hawaii a personal care product, except for an over-the-
12 counter drug, that contains synthetic plastic microbeads.

13 (b) Beginning January 1, 2020, no person shall sell or
14 offer for sale a personal care product, except for an over-the-
15 counter drug, that contains synthetic plastic microbeads.

16 (c) Beginning January 1, 2020, no person shall manufacture
17 for sale in Hawaii an over-the-counter drug that contains
18 synthetic plastic microbeads.

19 (d) Beginning January 1, 2021, no person shall sell or
20 offer 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) As used in this section:

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

14 "Personal care product" means any article or substance
15 intended to be rubbed, poured, sprinkled, or sprayed on,
16 introduced into, or otherwise applied to the human body or any
17 part thereof for cleansing, beautifying, promoting
18 attractiveness, or altering the appearance, and any article
19 intended for use as a component of the article. "Personal care
20 product" does not include any prescription drug.



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

6 "Synthetic plastic microbead" means any intentionally added
 7 non-biodegradable solid plastic particle measured less than five
 8 millimeters in size."

9 SECTION 3. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

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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.

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