

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to phase in a
2 prohibition on the manufacture and sale in Hawaii of personal
3 care products that contain synthetic plastic microbeads.

4 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§342H- Prohibition of synthetic plastic microbeads.

8 (a) Beginning July 1, 2020, no person shall manufacture for
9 sale in Hawaii a personal care product, except for an over-the-
10 counter drug, that contains synthetic plastic microbeads.

11 (b) Beginning July 1, 2021, no person shall:

12 (1) Accept for sale a personal care product, except for an
13 over-the-counter drug; or

14 (2) Manufacture for sale in Hawaii an over-the-counter
15 drug,

16 that contains synthetic plastic microbeads.



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1 (c) Beginning July 1, 2022, no person shall accept for
2 sale an over-the-counter drug that contains synthetic plastic
3 microbeads.

4 (d) Any person who violates this section shall be liable
5 for a civil penalty of up to \$1,000 for the first violation and
6 a civil penalty of up to \$2,500 for a second or subsequent
7 violation.

8 (e) The department shall adopt rules, pursuant to chapter
9 91, necessary for the purposes of implementing this section.

10 (f) This section shall preempt any county ordinance
11 concerning synthetic plastic microbeads.

12 (g) As used in this section:

13 "Over-the-counter drug" means a drug that is a personal
14 care product that contains a label that identifies the product
15 as a drug as required by title 21 Code of Federal Regulations
16 section 201.66. An "over-the-counter drug" label includes a
17 drug facts panel or a statement of the active ingredients with a
18 list of those ingredients contained in the compound, substance,
19 or preparation.

20 "Personal care product" means any article intended to be
21 rubbed, poured, sprinkled, or sprayed on, introduced into, or



1 otherwise applied to the human body or any part thereof for
 2 cleansing, beautifying, promoting attractiveness, or altering
 3 the appearance, and any article intended for use as a component
 4 of the article. "Personal care product" does not include any
 5 prescription drug.

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

11 "Synthetic plastic microbead" means any intentionally added
 12 non-biodegradable solid plastic particle measuring less than
 13 five millimeters in size and used to exfoliate or cleanse in a
 14 rinse-off product."

15 SECTION 3. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun before its effective date.

18 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:

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Handwritten signature: Vandenberg, M
Handwritten signature: Michelle Kalani
Handwritten signature: D. Kalani



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Report Title:

Health; Environmental Protection; Synthetic Plastic Microbeads;
Prohibitions

Description:

Phases in a prohibition on the manufacture and sale of personal care products containing synthetic plastic microbeads.

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