

# SENATE BILL No. 1027

September 9, 2014, Introduced by Senator WHITMER and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by amending the heading of chapter 5 of  
article II and by adding part 162.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER 5

### RECYCLING AND ~~RELATED SUBJECTS~~ PROHIBITED PRODUCTS

### PART 162

### PLASTIC IN PERSONAL CARE PRODUCTS

#### SEC. 16201. AS USED IN THIS PART:

(A) "OVER-THE-COUNTER DRUG" MEANS A PERSONAL CARE PRODUCT THAT  
HAS A LABEL UNDER 21 CFR 201.66 IDENTIFYING THE PRODUCT AS A DRUG.

(B) "PERSONAL CARE PRODUCT" MEANS ANY ARTICLE INTENDED TO BE  
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 APPEARANCE, AND ANY ARTICLE INTENDED FOR USE AS A COMPONENT OF ANY  
4 SUCH ARTICLE. PERSONAL CARE PRODUCT DOES NOT INCLUDE A PRESCRIPTION  
5 DRUG.

6 (C) "PLASTIC" MEANS A SYNTHETIC MATERIAL MADE FROM LINKING  
7 MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC POLYMER  
8 CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO VARIOUS  
9 SOLID FORMS RETAINING THEIR DEFINED SHAPES DURING LIFE CYCLE AND  
10 AFTER DISPOSAL.

11 (D) "PLASTIC MICROBEAD" MEANS ANY INTENTIONALLY ADDED NON-  
12 BIODEGRADABLE PLASTIC PARTICLE LESS THAN 5 MILLIMETERS IN EACH  
13 DIMENSION AND USED TO EXFOLIATE OR CLEANSE IN A RINSE-OFF PRODUCT.

14 SEC. 16202. A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

15 (A) BEGINNING JANUARY 1, 2018, MANUFACTURE FOR SALE A PERSONAL  
16 CARE PRODUCT, EXCEPT FOR AN OVER-THE-COUNTER DRUG, THAT CONTAINS  
17 PLASTIC MICROBEADS.

18 (B) BEGINNING JANUARY 1, 2019, ACCEPT FOR SALE A PERSONAL CARE  
19 PRODUCT, EXCEPT FOR AN OVER-THE-COUNTER DRUG, THAT CONTAINS PLASTIC  
20 MICROBEADS.

21 (C) BEGINNING JANUARY 1, 2019, MANUFACTURE FOR SALE AN OVER-  
22 THE-COUNTER DRUG THAT CONTAINS PLASTIC MICROBEADS.

23 (D) BEGINNING JANUARY 1, 2020, ACCEPT FOR SALE AN OVER-THE-  
24 COUNTER DRUG THAT CONTAINS PLASTIC MICROBEADS.

25 SEC. 16203. (1) SUBJECT TO SUBSECTION (2), A PERSON WHO  
26 VIOLATES SECTION 16202 MAY BE ORDERED TO PAY A CIVIL FINE OF NOT  
27 MORE THAN \$1,000.00 PER DAY FOR EACH PERSONAL CARE PRODUCT THAT IS

1 THE SUBJECT OF A VIOLATION.

2 (2) A PERSON WHO VIOLATES SECTION 16202 A SECOND OR SUBSEQUENT  
3 TIME MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$2,500.00  
4 PER DAY FOR EACH PERSONAL CARE PRODUCT THAT IS THE SUBJECT OF A  
5 VIOLATION.

6 (3) A VIOLATION OF SECTION 16202 MAY BE PROSECUTED BY THE  
7 PROSECUTING ATTORNEY OF THE COUNTY WHERE THE VIOLATION OCCURRED OR  
8 BY THE ATTORNEY GENERAL.