

## **PROHIBIT PRODUCTS CONTAINING PLASTIC MICROBEADS**

Phone: (517) 373-8080  
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**House Bill 4345 (proposed H-1 substitute)**  
**Sponsor: Rep. Rick Outman**  
**Committee: Natural Resources**  
**Complete to 10-5-15**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

House Bill 4345 would amend the Natural Resources and Environmental Protection Act (NREPA) by adding a new Part 162, which would prohibit the manufacture and sale of certain products that contain synthetic plastic microbeads. The bill also would preempt any ordinance or resolution of a municipality, county, or other local government entity concerning synthetic plastic microbeads.

House Bill 4345 would prohibit the following actions on the following dates:

- Manufacturing for sale a personal care product, except an over-the-counter drug, that contains synthetic plastic microbeads, effective December 31, 2017.
- Accepting for sale a personal care product, except an over-the-counter drug, that contains synthetic plastic microbeads, effective December 31, 2018.
- Manufacturing for sale an over-the-counter drug (i.e., a personal care product) that contains synthetic plastic microbeads, effective December 31, 2018.
- Accepting for sale an over-the-counter drug that contains synthetic plastic microbeads, effective December 31, 2019.

The bill would define the following terms for Part 162:

Personal care product would mean an 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 appearance, and any article intended for use as a component of any such article. A prescription drug would not be considered a personal care product.

Synthetic plastic microbead would mean an intentionally added nonbiodegradable solid plastic particle measured less than 5 millimeters in size that is used to exfoliate or cleanse in a rinse-off product.

Plastic would mean 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 their life cycle and after disposal.

Over-the-counter drug would mean a drug that is a personal care product that has a label that identifies the product as a drug as required by federal law. [21 CFR 201.66].

A person who violates Part 162 may be ordered to pay a civil fine of up to \$1,000 for a first offense and up to \$2,500 for a second or subsequent offense.

#### **FISCAL IMPACT:**

House Bill 4345 would likely have a positive fiscal impact on the Department of Natural Resources. This likelihood is tempered by the extent to which the civil fines included in HB 4345 function as a deterrent to individuals who would otherwise pursue the illegal manufacture or sale of microbeads in personal care products. If the fines included in HB 4345 serve to reduce the number of violations then the bill could prove to have no fiscal impact. However, if the fines included in HB 4345 do not serve as a deterrent then this bill will have a positive fiscal impact for the department by virtue of additional civil fines collected. This bill would have no fiscal impact on local units of government.

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Austin Scott

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.