

State of Wisconsin



2015 Senate Bill 15

Date of enactment: **July 1, 2015**
Date of publication*: **July 2, 2015**

2015 WISCONSIN ACT 43

AN ACT *to amend* 299.97 (1); and *to create* 299.50 of the statutes; **relating to:** the manufacture and acceptance for sale of products containing microbeads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 299.50 of the statutes is created to read:

299.50 Products containing synthetic plastic microbeads. (1) **DEFINITIONS.** In this section:

(a) "Over-the-counter drug" means a substance or product that may be dispensed without a prescription and that contains a label which identifies the product as a drug as required by [21 CFR 201.66](#) and which includes a drug facts panel or a statement of the active ingredient or ingredients with a list of those ingredients contained in the compound, substance, or preparation.

(b) "Personal care product" means any article, or a component of any article, that is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance, except that "personal care product" does not include a prescription drug.

(c) "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 that retain their defined shapes throughout their life cycle and after their disposal.

(d) "Political subdivision" means a city, village, town, or county.

(e) "Synthetic plastic microbead" means any intentionally added non-biodegradable, solid plastic particle measuring less than 5 millimeters at its largest dimension that is used to exfoliate or cleanse in a product that is intended to be rinsed off.

(2) **RESTRICTIONS.** (a) Beginning on December 31, 2017, no person may produce or manufacture a personal care product containing synthetic plastic microbeads, except for a product that is an over-the-counter drug.

(b) Beginning on December 31, 2018, no person may do any of the following:

1. Accept for sale a personal care product containing synthetic plastic microbeads, except for a product that is an over-the-counter drug.

2. Produce or manufacture a personal care product that is an over-the-counter drug containing synthetic plastic microbeads.

(c) Beginning on December 31, 2019, no person may accept for sale a personal care product that is an over-the-counter drug containing synthetic plastic microbeads.

(3) **PENALTY AND ENFORCEMENT.** Any person who violates sub. (2) may be required to forfeit not more than \$500 for each violation. The department or any district attorney may on behalf of the state bring an action for temporary or permanent injunctive relief for any violation of this section.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(4) LOCAL REGULATION. (a) A political subdivision may not enact an ordinance or adopt a resolution concerning the manufacture, sale, or distribution of products containing synthetic plastic microbeads.

(b) If a political subdivision has in effect on the effective date of this paragraph [LRB inserts date], an ordinance or resolution that is inconsistent with par. (a), the ordinance or resolution does not apply and may not be enforced.

SECTION 2. 299.97 (1) of the statutes is amended to read:

299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47 (2), 299.50 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) or 299.64 (2), or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty does not accrue.

