



2015 ASSEMBLY BILL 15

January 27, 2015 – Introduced by Representatives CZAJA, KITCHENS, MASON, BORN, E. BROOKS, DANOU, DOYLE, HEATON, JOHNSON, KOLSTE, KRUG, KULP, T. LARSON, MACCO, MEYERS, A. OTT, QUINN, RIPP, ROHRKASTE, SARGENT, SPIROS, STEFFEN, SWEARINGEN, THIESFELDT, VANDERMEER, KAHL, MILROY, STUCK, SINICKI, MURPHY, WEATHERSTON and ALLEN, cosponsored by Senators COWLES, OLSEN, HARSDFORF, MILLER, L. TAYLOR, LASSA, DARLING, FARROW, ERPENBACH, VINEHOUT and CARPENTER. Referred to Committee on Environment and Forestry.

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

Analysis by the Legislative Reference Bureau

This bill generally prohibits, with certain exceptions, the manufacture of a personal care product containing microbeads (small, non-biodegradable plastic particles) beginning December 31, 2017. “Personal care product” is defined in the bill. The bill also prohibits, with certain exceptions, accepting a personal care product containing microbeads for sale beginning December 31, 2018.

The bill creates different effective dates for these prohibitions for over-the-counter drugs. “Over-the-counter drug” is also defined in the bill. Under this bill, a person may not manufacture a personal care product that is an over-the-counter drug containing microbeads beginning December 31, 2018, and may not accept such a product for sale beginning December 31, 2019. This bill does not apply to the manufacture or sale of prescription drugs.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

ASSEMBLY BILL 15**SECTION 1****1 299.50 Products containing synthetic plastic microbeads. (1)**

2 DEFINITIONS. In this section:

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

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

13 (c) “Plastic” means a synthetic material made from linking monomers through
14 a chemical reaction to create an organic polymer chain that can be molded or
15 extruded at high heat into various solid forms that retain their defined shapes
16 throughout their life cycle and after their disposal.

17 (d) “Political subdivision” means a city, village, town, or county.

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

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

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

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

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

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

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

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

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

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

18 299.97 **(1)** Any person who violates this chapter, except s. 299.15 (1), 299.47 (2),
19 299.50 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) or 299.64 (2), or any rule
20 promulgated or any plan approval, license or special order issued under this chapter,
21 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
22 each violation. Each day of continued violation is a separate offense. While the order
23 is suspended, stayed or enjoined, this penalty does not accrue.

24 **(END)**