

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0700.01 Kristen Forrestal x4217

HOUSE BILL 15-1144

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

Todd,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF SYNTHETIC PLASTIC MICROBEADS**
102 **IN PERSONAL CARE PRODUCTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits the production, manufacture, or acceptance for sale of personal care products, including over-the-counter drugs, that contain synthetic plastic microbeads. The prohibition is phased in from January 1, 2018, through January 1, 2020. The penalty for each violation may be from \$1,000 to \$10,000.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 12 to article
3 5 of title 25 as follows:

4 **PART 12**

5 **PERSONAL CARE PRODUCTS CONTAINING MICROBEADS**

6 **25-5-1201. Preemption.** THE PROHIBITION AGAINST PRODUCING,
7 MANUFACTURING, SELLING, AND PROMOTING PERSONAL CARE PRODUCTS
8 THAT CONTAIN SYNTHETIC PLASTIC MICROBEADS IS A MATTER OF
9 STATEWIDE CONCERN, AND, ACCORDINGLY, THIS PART 12 PREEMPTS ANY
10 CONFLICTING COUNTY OR MUNICIPAL ORDINANCE, RULE, OR ORDER.

11 **25-5-1202. Definitions.** AS USED IN THIS PART 12:

12 (1) "OVER-THE-COUNTER DRUG" MEANS A DRUG THAT IS A
13 PERSONAL CARE PRODUCT THAT CONTAINS A LABEL THAT IDENTIFIES THE
14 PRODUCT AS A DRUG, AS REQUIRED BY AND MEETING THE LABELING
15 REQUIREMENTS OF 21 CFR 201.66.

16 (2) (a) "PERSONAL CARE PRODUCT" MEANS:

17 (I) ANY ARTICLE INTENDED TO BE RUBBED, Poured, SPRINKLED,
18 SPRAYED ON, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE HUMAN
19 BODY FOR CLEANSING, BEAUTIFYING, PROMOTING ATTRACTIVENESS, OR
20 ALTERING THE APPEARANCE OF A PERSON; AND

21 (II) ANY ITEM INTENDED TO BE USED AS A COMPONENT OF AN
22 ARTICLE LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

23 (b) "PERSONAL CARE PRODUCT" DOES NOT INCLUDE PRESCRIPTION
24 DRUGS.

25 (3) "PLASTIC" MEANS A SYNTHETIC MATERIAL MADE BY LINKING
26 MONOMERS THROUGH A CHEMICAL REACTION TO CREATE AN ORGANIC

1 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO
2 VARIOUS SOLID FORMS THAT RETAIN THEIR DEFINED SHAPES DURING THE
3 LIFE CYCLE AND AFTER DISPOSAL.

4 (4) "SYNTHETIC PLASTIC MICROBEAD" MEANS AN INTENTIONALLY
5 ADDED, NONBIODEGRADABLE, SOLID PLASTIC PARTICLE MEASURING LESS
6 THAN FIVE MILLIMETERS IN SIZE INTENDED TO AID IN EXFOLIATING OR
7 CLEANSING AS PART OF A RINSE-OFF PRODUCT.

8 **25-5-1203. Personal care products containing microbeads -**
9 **production, manufacture, and sale prohibited.** (1) ON AND AFTER
10 JANUARY 1, 2018, A PERSON SHALL NOT PRODUCE OR MANUFACTURE IN
11 THIS STATE A PERSONAL CARE PRODUCT CONTAINING SYNTHETIC PLASTIC
12 MICROBEADS, EXCEPT FOR AN OVER-THE-COUNTER DRUG.

13 (2) ON AND AFTER JANUARY 1, 2019, A PERSON SHALL NOT:

14 (a) ACCEPT FOR SALE IN THIS STATE A PERSONAL CARE PRODUCT
15 THAT CONTAINS SYNTHETIC PLASTIC MICROBEADS, EXCEPT FOR AN
16 OVER-THE-COUNTER DRUG; OR

17 (b) PRODUCE OR MANUFACTURE IN THIS STATE AN
18 OVER-THE-COUNTER DRUG THAT CONTAINS SYNTHETIC PLASTIC
19 MICROBEADS.

20 (3) ON AND AFTER JANUARY 1, 2020, A PERSON SHALL NOT ACCEPT
21 FOR SALE IN THIS STATE AN OVER-THE-COUNTER DRUG THAT CONTAINS
22 SYNTHETIC PLASTIC MICROBEADS.

23 **25-5-1204. Penalty for violation.** A PERSON WHO VIOLATES ANY
24 PROVISION OF THIS PART 12 IS SUBJECT TO A CIVIL PENALTY OF NOT LESS
25 THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND
26 DOLLARS FOR EACH OFFENSE. THE PENALTY IS DETERMINED AND
27 COLLECTED BY THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH

1 THE VIOLATION OCCURS UPON AN ACTION INSTITUTED BY THE
2 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE DISTRICT
3 COURT SHALL TRANSMIT PENALTIES COLLECTED PURSUANT TO THIS
4 SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO
5 THE GENERAL FUND.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2016 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.