

CHAPTER 53

HEALTH AND ENVIRONMENT

HOUSE BILL 15-1144

BY REPRESENTATIVE(S) Primavera, Becker K., Buckner, Duran, Esgar, Foote, Ginal, McCann, Melton, Mitsch Bush, Pettersen, Priola, Rosenthal, Ryden, Salazar, Singer, Tate, Young;
also SENATOR(S) Todd, Guzman, Heath, Jones, Merrifield.

AN ACT**CONCERNING THE PROHIBITION OF SYNTHETIC PLASTIC MICROBEADS IN PERSONAL CARE PRODUCTS.**

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

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

PART 12
PERSONAL CARE PRODUCTS CONTAINING MICROBEADS

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

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

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

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

(I) ANY ARTICLE INTENDED TO BE RUBBED, POURED, SPRINKLED, SPRAYED ON, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE HUMAN BODY FOR CLEANSING, BEAUTIFYING, PROMOTING ATTRACTIVENESS, OR ALTERING THE APPEARANCE OF A

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PERSON; AND

(II) ANY ITEM INTENDED TO BE USED AS A COMPONENT OF AN ARTICLE LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

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

(3) "PLASTIC" MEANS A SYNTHETIC MATERIAL MADE BY 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 DURING THE LIFE CYCLE AND AFTER DISPOSAL.

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

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

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

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

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

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

25-5-1204. Penalty for violation. A PERSON WHO VIOLATES ANY PROVISION OF THIS PART 12 IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH OFFENSE. THE PENALTY IS DETERMINED AND COLLECTED BY THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH THE VIOLATION OCCURS UPON AN ACTION INSTITUTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE DISTRICT COURT SHALL TRANSMIT PENALTIES COLLECTED PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE GENERAL FUND.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3)

of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 26, 2015