S-1743.2

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**SUBSTITUTE SENATE BILL 5609**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Energy, Environment & Telecommunications (originally sponsored by Senators Bailey, Ranker, Hatfield, Baumgartner, Liias, and Rolfes)

AN ACT Relating to protecting waterways from pollution from synthetic plastic microbeads; adding a new chapter to Title 70 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Over-the-counter drug" means a drug that is required by 21 C.F.R. 201.66, as it existed on the effective date of this section, to contain a label that identifies the product as a drug, displays a drug facts panel, and provides a statement regarding the active ingredient or active ingredients contained in the compound, substance, or preparation.

(3) "Personal care product" means an article, or item intended to be included as a component of an 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.

(4) "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 retaining their defined shapes during their life cycle and after disposal.

(5) "Synthetic plastic microbead" means an intentionally added nonbiodegradable solid plastic particle measuring less than five millimeters in size and used to exfoliate or cleanse in a rinse-off product.

NEW SECTION. **Sec.**  As of January 1, 2018, a person may not produce or manufacture a personal care product containing synthetic plastic microbeads in the state of Washington.

NEW SECTION. **Sec.**  As of January 1, 2020, a person may not:

(1) Knowingly accept for sale in the state of Washington a personal care product or an over-the-counter drug containing synthetic plastic microbeads; or

(2) Produce or manufacture an over-the-counter drug containing synthetic plastic microbeads in the state of Washington.

NEW SECTION. **Sec.**  (1) The department may impose a civil penalty of not less than one thousand dollars, and not more than ten thousand dollars, for each violation of this chapter. If the violation is of a continuing manner, each day during which it continues constitutes an additional, separate, and distinct offense.

(2) The department may, in addition to imposing civil penalties under this section, bring an action in a court of competent jurisdiction seeking injunctive relief to prevent or end a violation of this chapter and the court may grant the requested injunction.

NEW SECTION. **Sec.**  The provisions of this chapter preempt and supersede any ordinance by a city, county, or other municipality concerning synthetic plastic microbeads in personal care products and over-the-counter drugs.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

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