

HOUSE BILL NO. 4819

July 25, 2019, Introduced by Rep. Pohutsky and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of chapter 5 of article II, the heading of part 163, and sections 16301 and 16303 (MCL 324.16301 and 324.16303), and by adding sections 16307 and 16309.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 CHAPTER 5: RECYCLING AND ~~RELATED SUBJECTS~~**PROHIBITED PRODUCTS**
- 2 PART 163 PLASTIC **MICROBEADS AND** DEGRADABLE CONTAINERS
- 3 Sec. 16301. As used in this part:



1 (a) "Containers" means glass, metal, or plastic bottles, cans,
2 jars, or other receptacles that contain any substance.

3 (b) "Degradable" means capable of being broken down by
4 biodegradation, photodegradation, or chemical degradation into
5 component parts within 360 days under exposure to the elements.

6 (c) "Over-the-counter drug" means a personal care product that
7 has a label under 21 CFR 201.66 identifying the product as a drug.

8 (d) "Personal care product" means an article intended to be
9 rubbed, poured, sprinkled, or sprayed on, introduced into, or
10 otherwise applied to the human body for cleansing, beautifying,
11 promoting attractiveness, or altering appearance, and any article
12 intended for use as a component of any such article. Personal care
13 product does not include a prescription drug.

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

19 (f) "Plastic microbead" means a plastic particle less than 5
20 millimeters in each dimension intentionally added to a personal
21 care product.

22 Sec. 16303. A person who violates ~~this part~~ **section 16302** is
23 guilty of a misdemeanor punishable by a fine of \$500.00 for each
24 day ~~this part~~ **section 16302** is violated.

25 **Sec. 16307. A person shall not do any of the following:**

26 (a) Beginning January 1, 2021, manufacture for sale a personal
27 care product, except for an over-the-counter drug, that contains
28 plastic microbeads.

29 (b) Beginning January 1, 2022, accept for sale a personal care



1 product, except for an over-the-counter drug, that contains plastic
2 microbeads.

3 (c) Beginning January 1, 2022, manufacture for sale an over-
4 the-counter drug that contains plastic microbeads.

5 (d) Beginning January 1, 2024, accept for sale an over-the-
6 counter drug that contains plastic microbeads.

7 Sec. 16309. (1) Subject to subsection (2), a person who
8 violates section 16307 may be ordered to pay a civil fine of not
9 more than \$1,000.00 per day for each personal care product
10 universal product code that is the subject of a violation.

11 (2) A person who violates section 16307 a second or subsequent
12 time may be ordered to pay a civil fine of not more than \$2,500.00
13 per day for each personal care product universal product code that
14 is the subject of a violation.

15 (3) A violation of section 16307 may be prosecuted by the
16 prosecuting attorney of the county where the violation occurred or
17 by the attorney general.

