

SENATE No. 463

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure microbead-free water.

PETITION OF:

NAME:

Karen E. Spilka

Lori A. Ehrlich

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

8th Essex

SENATE No. 463

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 463) of Karen E. Spilka and Lori A. Ehrlich for legislation to ensure microbead-free water. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to ensure microbead-free water.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting after section 11C the following section:-

3 Section 11D: (a) As used in this section, the following words shall, unless context clearly
4 requires otherwise, have the following meanings:-

5 “Microbead,” any plastic component of a personal care product or over-the-counter drug
6 measured to be less than five millimeters in size.

7 “Over-the-counter (OTC) drugs,” any drug for which no prescription is required by
8 federal or state law.

9 “Personal care products,” any article intended to be rubbed, poured, sprinkled, or sprayed
10 on, introduced into, or otherwise applied to the human body or any part thereof for cleansing,

11 beautifying, promoting attractiveness, or altering the appearance, and any article intended for use
12 as a component of any such article. This term shall not include prescription drugs.

13 “Plastic,” any material made of polymeric organic compounds and additives that can be
14 shaped by flow.

15 (b) Commencing December 31, 2018, no person or entity shall manufacture for sale a
16 personal care product, except for an over the counter drug, that contains plastic microbeads as
17 defined in this section.

18 Commencing December 31, 2019, no person or entity shall accept for sale a personal care
19 product, except for an over the counter drug, that contains plastic microbeads as defined in this
20 section.

21 Commencing December 31, 2019, no person or entity shall manufacture for sale an over
22 the counter drug that contains plastic microbeads as defined in this section.

23 Commencing December 31, 2020, no person or entity shall accept for sale an over the
24 counter drug that contains plastic microbeads as defined in this section.

25 (c) Any person who violates this section, or who fails to perform any duty imposed under
26 this section and subsequent regulations pursuant to this section, shall be liable for a civil penalty
27 not to exceed two-thousand five-hundred dollars for each day during which such violation
28 continues and in addition, such person may be enjoined from continuing such violation. For a
29 second violation of this section, a person shall be liable for a civil penalty not to exceed five-
30 thousand dollars for each day during which such violation continues and in addition, such person
31 may be enjoined from continuing such violation.

32 The department, in conjunction with the director of the division of hazardous waste, shall
33 promulgate regulations consistent with this section.