



General Assembly

Amendment

January Session, 2015

LCO No. 9307



Offered by:

REP. ALBIS, 99th Dist.
REP. BACKER, 121st Dist.
REP. CARTER, 2nd Dist.

REP. MCCARTHY VAHEY, 133rd
Dist.
REP. MINER, 66th Dist.
REP. SHABAN, 135th Dist.

To: Subst. House Bill No. 5286

File No. 510

Cal. No. 316

**"AN ACT PROHIBITING THE IMPORT AND SALE OF COSMETICS
THAT CONTAIN MICROBEADS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this
4 section:

5 (1) "Over-the-counter drug" means any drug that is a personal care
6 product that contains a label that identifies such product as a drug, as
7 required by 21 CFR 201.66, as amended from time to time;

8 (2) "Personal care product" means any (A) article intended to be
9 rubbed, poured, sprinkled, sprayed on, introduced into or otherwise
10 applied to the human body or any part thereof for cleansing,
11 beautifying, promoting attractiveness or altering the appearance of, (B)

12 article intended for use as a component of any such article described in
13 subparagraph (A) of this subdivision, or (C) over-the-counter drug.
14 "Personal care product" does not include any product for which a
15 prescription is required for distribution or dispensation, as determined
16 by the Commissioner of Consumer Protection; and

17 (3) "Microbead" means any intentionally added synthetic solid
18 plastic particle measured to be five millimeters or less in size that is
19 used to exfoliate or cleanse and is intended to be rinsed off or washed
20 off the body and consequently deposited into a sink, shower or
21 bathtub drain.

22 (b) On and after December 31, 2017, no person shall manufacture for
23 sale any personal care product, except for an over-the-counter drug,
24 that contains any intentionally added microbead.

25 (c) On and after December 31, 2018, no person shall import, sell or
26 offer for sale any personal care product, except for an over-the-counter
27 drug, that contains any intentionally added microbead.

28 (d) On and after December 31, 2018, no person shall manufacture for
29 sale any over-the-counter drug that contains an intentionally added
30 microbead.

31 (e) On and after December 31, 2019, no person shall import, sell or
32 offer for sale any over-the-counter drug that contains any intentionally
33 added microbead.

34 (f) The Commissioner of Energy and Environmental Protection, in
35 consultation with the Commissioner of Consumer Protection, may
36 adopt regulations, in accordance with the provisions of chapter 54 of
37 the general statutes, to implement the provisions of this section.

38 (g) (1) On or before August 15, 2016, the Commissioner of Energy
39 and Environmental Protection shall accept an application on behalf of
40 a manufacturer of a personal care product for the performance of a
41 study, at the request of said commissioner, by the Connecticut

42 Academy of Science and Engineering to determine if a biodegradable
43 microbead is available for use in such personal care product that does
44 not adversely impact the environment or publicly owned treatment
45 works in this state. Any such application shall require the
46 manufacturer of such biodegradable microbead to disclose the
47 chemical constituents or composition of such microbead. Upon receipt
48 of any such application, in a format as prescribed by the commissioner,
49 the commissioner shall request the Connecticut Academy of Science
50 and Engineering to perform such study. Said academy may establish a
51 fee for the performance of such study and such fee shall be remitted by
52 the applicant to the Department of Energy and Environmental
53 Protection. Upon receipt of such request and fee from the
54 commissioner, said academy shall commence such study. Such study
55 shall, at a minimum, consist of: (A) A study committee appointed by
56 said academy to oversee such study, (B) the use of an academy-
57 selected research team with expertise in matters relating to
58 biodegradable microbeads to conduct relevant research for such study,
59 including, but not limited to, the fate and transport of microbeads, and
60 author a study report, and (C) study committee meetings that afford
61 the opportunity for such applicant, department and interested persons
62 to obtain information concerning the study's process. The academy
63 shall complete any such study and issue a final study report for such
64 study to the commissioner not later than December 15, 2017. Upon
65 receipt of such final study report, the commissioner shall review such
66 final study report and, not later than February 1, 2018, forward such
67 final study report and any recommendations of said academy for
68 legislation concerning the use of biodegradable microbeads in personal
69 care products to the joint standing committee of the General Assembly
70 having cognizance of matters relating to the environment.

71 (2) Any information or materials submitted by an applicant to the
72 Department of Energy and Environmental Protection or the
73 Connecticut Academy of Science and Engineering in connection with
74 the performance of the study described in subdivision (1) of this
75 subsection shall not be subject to disclosure pursuant to chapter 14 of

76 the general statutes provided such applicant indicates to the
77 department or academy, at the time of submission, information or
78 materials that such applicant deems a trade secret or privileged in any
79 manner.

80 (3) In the event that the study described in subdivision (1) of this
81 subsection is not completed on or before December 15, 2017, the
82 manufacturing, selling, importing or offering for sale of any personal
83 care product that contains an intentionally added biodegradable
84 microbead shall be prohibited on and after July 1, 2018.

85 (h) Any person who violates any of the provisions of subsections (b)
86 to (e), inclusive, of this section or any regulation adopted pursuant to
87 subsection (f) of this section shall be fined not more than five thousand
88 dollars for the first violation and not more than ten thousand dollars
89 for any subsequent violation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section