

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10266-MG-123A (03/28)

Short Title: Prohibit Microbeads in OTC Drugs & Products. (Public)

Sponsors: Representatives Harrison, Glazier, and Fisher (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE MANUFACTURE AND SALE OF OVER-THE-COUNTER
3 DRUGS AND PERSONAL CARE PRODUCTS THAT CONTAIN SYNTHETIC
4 PLASTIC MICROBEADS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 130A of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 11A.

9 "Prohibition on Manufacture and Sale of Products Containing Microbeads.

10 "§ 130A-550. Legislative findings and purpose.

11 (a) The General Assembly finds all of the following:

- 12 (1) Microbeads are a synthetic alternative ingredient in personal care products
13 and over-the-counter drugs that are used in place of natural materials such as
14 ground almonds, oatmeal, and pumice.
- 15 (2) Microbeads are found in over 100 personal care products and
16 over-the-counter drugs that are sold in the State and that ultimately are
17 flushed down drains as part of the intended use of the product.
- 18 (3) Most municipal wastewater treatment plants in the State do not effectively
19 filter microbeads from water discharged to rivers and lakes.
- 20 (4) Plastic microbeads are persistent organic compounds that attract other
21 pollutants commonly present in the environment, many of which are
22 recognized to have serious deleterious impacts on human health or the
23 environment, including dichlorodiphenyltrichloroethane (DDT),
24 dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs),
25 and flame retardants.
- 26 (5) Chemicals from plastics, such as PCBs, polycyclic aromatic hydrocarbons
27 (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer to fish tissue
28 during digestion, bioaccumulate, and result in liver damage.
- 29 (6) Fish consumed by humans have been found to have ingested plastic
30 microbeads.
- 31 (7) There are economically feasible alternatives to plastic microbeads, as
32 indicated by the current use of biodegradable, natural, and abrasive materials
33 in many consumer personal care products.
- 34 (8) Updating municipal wastewater treatment plants so that they effectively
35 filter microbeads likely would be costly and take many years.



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1 (b) The purpose of this Part is to prevent the continued harmful effects of synthetic
2 plastic microbeads on State waters without expending significant time and money to update
3 wastewater treatment plants by banning the manufacture and sale of synthetic plastic
4 microbeads in this State.

5 **"§ 130A-550.1. Definitions.**

6 The following definitions apply in this Part:

- 7 (1) Biodegradable. – The capability of a substance to break down completely in
8 the natural environment that the substance is likely to encounter within 24
9 months of its disposal, through a biological process of decomposition into
10 elements or compounds commonly found in that environment.
- 11 (2) Household cleansing product. – Any product, including soaps and detergents
12 used for domestic or commercial cleaning purposes, including the cleansing
13 of fabric, dishes, food utensils, and household and commercial premises. The
14 term does not include any of the following:
- 15 a. Food, drugs, and cosmetics, including personal care items such as
16 toothpaste, shampoo, and hand soap;
- 17 b. Products labeled, advertised, marketed, and distributed for use
18 primarily as economic poisons as defined in 14 C.F.R. § 137.3.
- 19 (3) Over-the-counter drug. – A compound, substance, or preparation that
20 contains a label that identifies the product as a drug, as required by 21 C.F.R.
21 § 201.66, and that includes a drug facts panel or a statement of the active
22 ingredient or ingredients contained in the compound, substance, or
23 preparation.
- 24 (4) Personal care product. – Any article intended to be rubbed, poured,
25 sprinkled, or sprayed on, introduced into, or otherwise applied to the human
26 body or any part thereof for cleansing, beautifying, promoting attractiveness,
27 or altering the appearance and any article intended for use as a component of
28 any such article. The term does not include any prescription drug as that
29 term is defined in G.S. 90-85.3.
- 30 (5) Plastic. – A synthetic material made from linking monomers through a
31 chemical reaction to create an organic polymer chain that can be molded or
32 extruded at high heat into various solid forms retaining their defined shapes
33 during life cycle and after disposal.
- 34 (6) Synthetic plastic microbead. – An intentionally added nonbiodegradable
35 solid plastic particle less than five millimeters in size.

36 **"§ 130A-550.2. Prohibitions regarding personal care products.**

37 (a) Effective December 1, 2017, no person shall manufacture in the State a personal
38 care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

39 (b) Effective December 1, 2018, no person shall sell, offer for sale, offer for promotion,
40 or otherwise distribute in the State a personal care product that contains synthetic plastic
41 microbeads, except for an over-the-counter drug.

42 **"§ 130A-550.3. Prohibitions regarding over-the-counter drugs.**

43 (a) Effective December 1, 2018, no person shall manufacture in the State an
44 over-the-counter drug containing synthetic plastic microbeads.

45 (b) Effective December 1, 2019, no person shall sell, offer for sale, offer for promotion,
46 or otherwise distribute in the State an over-the-counter drug that contains synthetic plastic
47 microbeads."

48 **SECTION 2.** This act becomes effective October 1, 2015.