

Union Calendar No.

114TH CONGRESS
1ST SESSION

H. R. 1321

[Report No. 114-]

To prohibit the sale or distribution of cosmetics containing synthetic plastic
microbeads.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. PALLONE (for himself and Mr. UPTON) introduced the following bill;
which was referred to the Committee on Energy and Commerce

NOVEMBER --, 2015

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 4, 2015]

A BILL

To prohibit the sale or distribution of cosmetics containing
synthetic plastic microbeads.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Microbead-Free Waters*
5 *Act of 2015”.*

6 **SEC. 2. PROHIBITION AGAINST SALE OR DISTRIBUTION OF**
7 **RINSE-OFF COSMETICS CONTAINING PLASTIC**
8 **MICROBEADS.**

9 *(a) IN GENERAL.—Section 301 of the Federal Food,*
10 *Drug, and Cosmetic Act (21 U.S.C. 331) is amended by*
11 *adding at the end the following:*

12 *“(ddd)(1) The manufacture or the introduction or de-*
13 *livery for introduction into interstate commerce of a rinse-*
14 *off cosmetic that contains intentionally-added plastic*
15 *microbeads.*

16 *“(2) In this paragraph—*

17 *“(A) the term ‘plastic microbead’ means any*
18 *solid plastic particle that is less than five millimeters*
19 *in size and is intended to be used to exfoliate or*
20 *cleanse the human body or any part thereof; and*

21 *“(B) the term ‘rinse-off cosmetic’ includes tooth-*
22 *paste.”.*

23 *(b) APPLICABILITY.—*

24 *(1) IN GENERAL.—The amendment made by sub-*
25 *section (a) applies—*

1 (A) with respect to manufacturing, begin-
2 ning on July 1, 2017, and with respect to intro-
3 duction or delivery for introduction into inter-
4 state commerce, beginning on July 1, 2018; and

5 (B) notwithstanding subparagraph (A), in
6 the case of a rinse-off cosmetic that is a non-
7 prescription drug, with respect to manufac-
8 turing, beginning on July 1, 2018, and with re-
9 spect to the introduction or delivery for introduc-
10 tion into interstate commerce, beginning on July
11 1, 2019.

12 (2) *NONPRESCRIPTION DRUG.*—For purposes of
13 this subsection, the term “nonprescription drug”
14 means a drug not subject to section 503(b)(1) of the
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 353(b)(1)).

17 (c) *PREEMPTION OF STATE LAWS.*—No State or polit-
18 ical subdivision of a State may directly or indirectly estab-
19 lish under any authority or continue in effect restrictions
20 with respect to the manufacture or introduction or delivery
21 for introduction into interstate commerce of rinse-off cos-
22 metics containing plastic microbeads (as defined in section
23 301(ddd) of the Federal Food, Drug, and Cosmetic Act, as
24 added by subsection (a)) that are not identical to the re-

1 *strictions under such section 301(ddd) that have begun to*
2 *apply under subsection (b).*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this Act (or*
4 *the amendments made by this Act) shall be construed to*
5 *apply with respect to drugs that are not also cosmetics (as*
6 *such terms are defined in section 201 of the Federal Food,*
7 *Drug, and Cosmetic Act (21 U.S.C. 321)).*

Amend the title so as to read: “A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the manufacture and introduction or delivery for introduction into interstate commerce of rinse-off cosmetics containing intentionally-added plastic microbeads.”.