

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2472 Session of 2014

INTRODUCED BY B. BOYLE, V. BROWN, BISHOP, MUNDY, ENGLISH,
FREEMAN, SAMUELSON, HARHAI, PAINTER, COHEN, MURT, McCARTER
AND QUINN, SEPTEMBER 15, 2014

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 15, 2014

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 definitions and for prohibited acts and penalties.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2(b) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding definitions to
17 read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Over-the-counter personal care drug" means a drug that is a
22 personal care product that contains a label that identifies the

product as a drug as required by 21 CFR 201.66 (relating to
format and content requirements for over-the-counter (OTC) drug
product labeling). An over-the-counter personal drug label
includes:

(1) a drug facts panel; or

(2) a statement of the active ingredients with a list of the
ingredients contained in the compound, substance or
preparation.

* * *

"Personal care product" as follows:

(1) The term means:

(i) An article intended to be rubbed, poured, sprinkled or
sprayed on, introduced into, or otherwise applied to the human
body or any part of the human body for cleansing, beautifying,
promoting attractiveness or altering the appearance.

(ii) An article intended for use as a component of an
article under subparagraph (i)

(2) The term does not include a prescription drug.

"Plastic" means a synthetic material made from linking
monomers through a chemical reaction to create an organic
polymer chain that can be molded or extruded at high heat into
various solid forms retaining their defined shapes during life
cycle and after disposal.

* * *

"Synthetic plastic microbead" means an intentionally added
nonbiodegradable solid plastic particle measuring less than five
millimeters in size and which is used to exfoliate or cleanse in
a rinse-off product.

* * *

Section 2. Section 13(a)(40) of the act, amended July 9,

2013 (P.L.359, No.53), is amended and the section is amended by adding a subsection to read:

Section 13. Prohibited Acts; Penalties.--(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

* * *

(40) [(Reserved).] (i) Beginning after December 31, 2017, the manufacture for sale of a personal care product, except for an over-the-counter personal drug, that contains synthetic plastic microbeads.

(ii) Beginning after December 31, 2018, the acceptance for sale of a personal care product, except for an over-the-counter personal drug, that contains synthetic plastic microbeads.

(iii) Beginning after December 31, 2018, the manufacture for sale of an over-the-counter personal drug that contains synthetic plastic microbeads.

(iv) Beginning after December 31, 2019, the acceptance for sale of an over-the-counter personal drug that contains synthetic plastic microbeads.

* * *

(g) Any person who violates subsection (a)(40) shall be liable for a civil penalty of up to one thousand dollars (\$1,000) for the first violation and up to two thousand five hundred dollars (\$2,500) for a second or subsequent violation.

Section 3. This act shall take effect in 60 days.