

114TH CONGRESS
1ST SESSION

H. R. 1321

AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Microbead-Free
3 Waters Act of 2015”.

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

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

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

14 “(2) In this paragraph—

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

19 “(B) the term ‘rinse-off cosmetic’ includes
20 toothpaste.”.

21 (b) APPLICABILITY.—

22 (1) IN GENERAL.—The amendment made by
23 subsection (a) applies—

24 (A) with respect to manufacturing, begin-
25 ning on July 1, 2017, and with respect to intro-

1 duction or delivery for introduction into inter-
2 state commerce, beginning on July 1, 2018; and

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

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

15 (c) PREEMPTION OF STATE LAWS.—No State or po-
16 litical subdivision of a State may directly or indirectly es-
17 tablish under any authority or continue in effect restric-
18 tions with respect to the manufacture or introduction or
19 delivery for introduction into interstate commerce of rinse-
20 off cosmetics containing plastic microbeads (as defined in
21 section 301(ddd) of the Federal Food, Drug, and Cosmetic
22 Act, as added by subsection (a)) that are not identical to
23 the restrictions under such section 301(ddd) that have
24 begun to apply under subsection (b).

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

Passed the House of Representatives December 7,
2015.

Attest:

Clerk.

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