114TH CONGRESS
1ST SESSION

H. R. 1321

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2015
Received

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Microbead-Free Waters Act of 2015''.

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

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

''(ddd)(1) The manufacture or the introduction or delivery for introduction into interstate commerce of a rinse-off cosmetic that contains intentionally-added plastic microbeads.

''(2) In this paragraph—

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

''(B) the term 'rinse-off cosmetic' includes toothpaste.''.

(b) APPLICABILITY.—

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

(A) with respect to manufacturing, beginning on July 1, 2017, and with respect to intro-

duction or delivery for introduction into interstate commerce, beginning on July 1, 2018; and

(B) notwithstanding subparagraph (A), in the case of a rinse-off cosmetic that is a nonprescription drug, with respect to manufacturing, beginning on July 1, 2018, and with respect to the introduction or delivery for introduction into interstate commerce, beginning on July 1, 2019.

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

(c) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect restrictions with respect to the manufacture or introduction or delivery for introduction into interstate commerce of rinse-off cosmetics containing plastic microbeads (as defined in section 301(ddd) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)) that are not identical to the restrictions under such section 301(ddd) that have begun to apply under subsection (b).

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

Passed the House of Representatives December 7, 2015.

Attest: KAREN L. HAAS,

Clerk.