

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3478**

1 On page 1 of the printed A-engrossed bill, delete lines 14 through 17.

2 In line 18, delete “(d)” and insert “(c)” and delete “Synthetic”.

3 In line 25, delete “synthetic”.

4 In line 27, delete “synthetic”.

5 On page 2, delete lines 4 through 45.

6 On page 3, delete lines 1 through 19 and insert:

7 **“SECTION 2.** Section 1 of this 2015 Act is amended to read:

8 **“Sec. 1.** (1) As used in this section:

9 “(a) ‘Over-the-counter drug’ means a personal care product for which the
10 United States Food and Drug Administration requires a label with the title
11 ‘Drug Facts’ or ‘Active ingredients’ under 21 C.F.R. 201.66, as in effect on
12 the effective date of this 2015 Act.

13 “(b)(A) ‘Personal care product’ means a product or component of a prod-
14 uct that is intended to be rubbed, poured, sprinkled or sprayed on, introduced
15 into or otherwise applied to the human body or a part of the human body for
16 the purpose of cleansing, beautifying, promoting the attractiveness of or
17 otherwise altering the appearance of the body.

18 “(B) ‘Personal care product’ does not include a prescription drug.

19 “(c) ‘Plastic microbead’ means a solid plastic particle that a manufacturer
20 intentionally incorporates into a personal care product and that:

21 “(A) Measures less than five millimeters in diameter;

22 “(B) The manufacturer intends as a method for exfoliating skin or other-

1 wise cleaning the human body; and

2 “(C) The manufacturer intends for the consumer to rinse off from the body
3 after use.

4 “(2)(a) **Except as provided in paragraph (b) of this subsection,** a
5 person may not manufacture **or accept** for sale a personal care product[,
6 *other than an over-the-counter drug,*] that contains plastic microbeads.

7 “(b) **A person may not manufacture for sale, but may accept for**
8 **sale, an over-the-counter drug that contains plastic microbeads.**

9 “(3) A local government or other governmental subdivision of this state
10 may not enact a rule, regulation, ordinance or resolution concerning plastic
11 microbeads in personal care products or over-the-counter drugs that differs
12 from the requirements of this section.

13 “(4) Violation of the provisions of this section is an unlawful trade prac-
14 tice under ORS 646.608 that is subject to enforcement under ORS 646.632 or
15 an action under ORS 646.638.

16 “**SECTION 3.** Section 1 of this 2015 Act, as amended by section 2 of this
17 2015 Act, is amended to read:

18 “**Sec. 1.** (1) As used in this section:

19 “(a) ‘Over-the-counter drug’ means a personal care product for which the
20 United States Food and Drug Administration requires a label with the title
21 ‘Drug Facts’ or ‘Active ingredients’ under 21 C.F.R. 201.66, as in effect on
22 the effective date of this 2015 Act.

23 “(b)(A) ‘Personal care product’ means a product or component of a prod-
24 uct that is intended to be rubbed, poured, sprinkled or sprayed on, introduced
25 into or otherwise applied to the human body or a part of the human body for
26 the purpose of cleansing, beautifying, promoting the attractiveness of or
27 otherwise altering the appearance of the body.

28 “(B) ‘Personal care product’ does not include a prescription drug.

29 “(c) ‘Plastic microbead’ means a solid plastic particle that a manufacturer
30 intentionally incorporates into a personal care product and that:

1 “(A) Measures less than five millimeters in diameter;

2 “(B) The manufacturer intends as a method for exfoliating skin or other-
3 wise cleaning the human body; and

4 “(C) The manufacturer intends for the consumer to rinse off from the body
5 after use.

6 “[(2)(a)] **(2)** [*Except as provided in paragraph (b) of this subsection,*] A
7 person may not manufacture or accept for sale a personal care product **or**
8 **over-the-counter drug** that contains plastic microbeads.

9 “[(b) *A person may not manufacture for sale, but may accept for sale, an*
10 *over-the-counter drug that contains plastic microbeads.*]

11 “(3) A local government or other governmental subdivision of this state
12 may not enact a rule, regulation, ordinance or resolution concerning plastic
13 microbeads in personal care products or over-the-counter drugs that differs
14 from the requirements of this section.

15 “(4) Violation of the provisions of this section is an unlawful trade prac-
16 tice under ORS 646.608 that is subject to enforcement under ORS 646.632 or
17 an action under ORS 646.638.”.

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