

**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)~~] **(3)** Violation of the provisions of this section is an unlawful trade  
16 practice under ORS 646.608 that is subject to enforcement under ORS 646.632  
17 or an action under ORS 646.638.”.

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