

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

1 On page 2 of the printed A-engrossed bill, delete lines 4 through 45.

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

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

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

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

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

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

15 “(c) ‘Plastic’ means a synthetic material made from linking monomers
16 through a chemical reaction to create an organic polymer chain that can be
17 molded or extruded at high heat into various solid forms that retain the
18 shape of the solid form during the synthetic material’s life cycle and after
19 disposal.

20 “(d) ‘Synthetic plastic microbead’ means a solid plastic particle that a
21 manufacturer intentionally incorporates into a personal care product and
22 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) **Except as provided in paragraph (b) of this subsection**, a
7 person may not manufacture **or accept** for sale a personal care product[,
8 *other than an over-the-counter drug,*] that contains synthetic plastic micro-
9 beads.

10 “(b) **A person may not manufacture for sale, but may accept for**
11 **sale, an over-the-counter drug that contains synthetic plastic micro-**
12 **beads.**

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

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

20 “**SECTION 3.** Section 1 of this 2015 Act, as amended by section 2 of this
21 2015 Act, is amended to read:

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

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

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

1 otherwise altering the appearance of the body.

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

3 “(c) ‘Plastic’ means a synthetic material made from linking monomers
4 through a chemical reaction to create an organic polymer chain that can be
5 molded or extruded at high heat into various solid forms that retain the
6 shape of the solid form during the synthetic material’s life cycle and after
7 disposal.

8 “(d) ‘Synthetic plastic microbead’ means a solid plastic particle that a
9 manufacturer intentionally incorporates into a personal care product and
10 that:

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

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

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

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

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

21 “[~~(3)~~] *A local government or other governmental subdivision of this state*
22 *may not enact a rule, regulation, ordinance or resolution concerning synthetic*
23 *plastic microbeads in personal care products or over-the-counter drugs that*
24 *differs from the requirements of this section.*]

25 “[~~(4)~~] **(3)** Violation of the provisions of this section is an unlawful trade
26 practice under ORS 646.608 that is subject to enforcement under ORS 646.632
27 or an action under ORS 646.638.”.

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