



Legislation Text

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Int. No. 928

By Council Members Garodnick, Cabrera, Menchaca, Johnson, Torres, Levine, Espinal, Vallone, Constantinides, Rosenthal, Chin, Koo, Rose, Treyger, Van Bramer, Levin, Lancman, Cohen, Kallos, Richards, Dromm, Lander, Rodriguez, Koslowitz, Palma, Crowley, Vacca, Williams, Reynoso, Maisel, Miller, Barron, Cornegy, Ferreras-Copeland, Deutsch, Greenfield, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to banning personal care products containing microbeads.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

**Microbeads**

**§ 20-699.7 Definitions**

**§ 20-699.8 Personal care products containing microbeads**

**§ 20-699.9 Penalties**

**§ 20-699.10 Rules and regulations**

§20-699.7 Definitions. As used in this subchapter, the following terms shall have the following meanings:

Microbead. The term “microbead” means any manufactured particle of plastic that measures five millimeters or less in size and is added to a personal care product.

Over the counter drug. The term “over the counter drug” means a product that is identified and regulated as a drug by the Food and Drug Administration, contains a label that identifies the product as a drug as required by 21 CFR 201.66, and is available for purchase without a prescription.

Personal care product. The term “personal care product” means any product intended to be rubbed, poured, sprinkled, brushed or sprayed on, introduced into, or otherwise applied to the human body, or any part

thereof, for cleansing, moisturizing, or otherwise affecting the appearance or texture of the human body or any part thereof, and any component of such product. The term “personal care product” shall not include any product for which a prescription is required.

§ 20-699.8 Personal care products containing microbeads.

1. Starting January 1, 2016, no person shall sell or offer for sale any personal care product, except for an over the counter drug, which contains microbeads.

2. Starting January 1, 2017, no person shall sell or offer for sale any over the counter drug that contains microbeads.

§ 20-699.9 Penalties. Any person who violates any provision of this subchapter or any rule promulgated pursuant thereto is subject to: (i) a civil penalty of not more than \$2,500 for the first violation, civil penalty of not more than \$1,000 for each additional violation occurring on the same day as the first violation, and such person may be enjoined from continuing the violation; and (ii) a civil penalty of not more than \$5,000 for each subsequent violation occurring within a period of 24 months of the first violation, civil penalty of not more than \$2,000 for each additional violation occurring on the same day as the subsequent violation, and such person may be enjoined from continuing the violation.

§ 20-699.10 Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement the provisions of this subdivision.

§ 2. This law takes effect immediately.