

HOUSE BILL NO. 14

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOSEPHSON, Gruenberg

Introduced: 1/21/15

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act banning the manufacture, sale, or offering for sale of a cosmetic that contains
2 plastic microbeads; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 17.20.290(a) is amended to read:

5 (a) The following acts and the causing thereof are prohibited:

6 (1) the manufacture, or sale, or delivery, holding, or offering of sale of
7 food, drug, device, or cosmetic that is adulterated or misbranded;

8 (2) the adulteration or misbranding of food, drug, device, or cosmetic;

9 (3) the receipt in commerce of food, drug, device, or cosmetic that is
10 adulterated or misbranded, and the delivery or proffered delivery of them for pay or
11 otherwise;

12 (4) the sale, delivery for sale, holding for sale, or offering for sale of an
13 article in violation of AS 17.20.050 - 17.20.070 and 17.20.100;

14 (5) the dissemination of a false advertisement;

1 (6) the refusal to permit entry or inspection, or to permit the taking of a
2 sample, as authorized by AS 17.20.200;

3 (7) the giving of a guaranty or undertaking that is false, except by a
4 person who relied on a guaranty or undertaking to the same effect signed by and
5 containing the name and address of the person residing in the state from whom the
6 person who relied on the guarantee or undertaking received the food, drug, device, or
7 cosmetic in good faith:

8 (8) the removal or disposal of a detained or embargoed article in
9 violation of AS 17.20.230 - 17.20.270;

10 (9) the alteration, mutilation, destruction, obliteration, or removal of
11 the whole or part of the labeling of, or the doing of any other act with respect to, a
12 food, drug, device, or cosmetic, if the act is done while the article is held for sale and
13 results in the article being misbranded;

14 (10) forging, counterfeiting, simulating, or falsely representing, or
15 without proper authority using a mark, stamp, tag, label, or other identification device
16 authorized or required by regulations adopted under AS 17.20.230 - 17.20.270;

17 (11) the using, on the labeling of a drug or in an advertisement relating
18 to a drug, of a representation or suggestion that an application with respect to the drug
19 is effective under AS 17.20.110 or that the drug complies with the provisions of that
20 section;

21 (12) the sale or offering for sale of frozen fish as fresh fish;

22 (13) the improper labeling and drug substitution by pharmacists under
23 AS 17.20.105;

24 **(14) the manufacture, sale, or offering for sale of a cosmetic that**
25 **contains synthetic plastic microbeads.**

26 * Sec. 2. AS 17.20.290(b) is amended to read:

27 (b) The commissioner of environmental conservation or a designee of the
28 commissioner is responsible for enforcing the provisions of (a)(1) - (10) of this
29 section, if the subject of the prohibited act involves food or cosmetics, and the
30 provisions of (a)(12) **and (14)** of this section. This subsection does not limit the
31 authority of peace officers.

1 * **Sec. 3.** AS 17.20.370 is amended by adding a new paragraph to read:

2 (17) "synthetic plastic microbeads" means intentionally added,
3 nonbiodegradable, solid plastic particles that measure less than five millimeters in size
4 that are intended for use to exfoliate or cleanse in a cosmetic.

5 * **Sec. 4.** This Act takes effect January 1, 2018.