

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

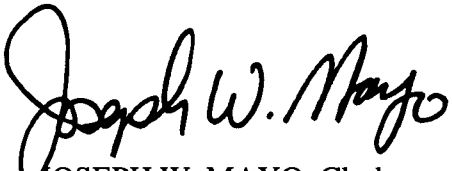
No. 45

H.P. 51

House of Representatives, January 12, 1995

An Act to Regulate the Sale of Cosmetics that are Exempt from Federal Labeling Laws.

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LOVETT of Scarborough. (By Request)

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §507, as enacted by PL 1965, c. 65, is repealed and the following enacted in its place:

§507. Prohibited sales; labeling provisions

1. Prohibited sales. It is unlawful for any person to distribute, sell or offer for sale within the State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

A. Any hazardous substance intended or suitable for household use, unless the container meets the requirements of subsection 2;

B. Any hazardous substance upon which a stop-sale order has been placed by the commissioner; or

C. Any cosmetics labeled as intended for professional use only, which are exempt from the federal retail-purpose cosmetic labeling laws, except for sale to persons licensed to practice cosmetology, barbering, manicuring or aesthetics.

2. Labeling required. A hazardous substance intended or suitable for household use must have affixed to the container a label bearing:

A. The name and address of the manufacturer, packer or distributor;

B. The common or usual name, or the chemical name or the recognized generic name, not trade name only, of the hazardous substance or of each component that contributes substantially to its hazard;

C. One of the following words: "Danger," "Warning" or "Caution." The word "Danger" must be used for substances that are highly toxic, extremely flammable or corrosive. The word "Warning" or "Caution" must be used on all other hazardous substances;

D. An affirmative statement of the principal hazard, such as "flammable," "vapor harmful," "causes burns," "absorbed through skin" or similar wording descriptive of the hazard;

E. Precautionary measures describing the action to be followed or avoided;

2 F. Instructions, when necessary, for the first aid
3 treatment in case of contact or exposure, if the substance
4 is hazardous through contact or exposure;

5 G. Instructions for handling and storage of packages that
6 require special care in handling or storage;

7 H. The statement "Keep out of reach of children," or its
8 practical equivalent; and

9 I. The word "Poison" for any hazardous substance that is
10 highly toxic.

11 3. Statement. Any statements required under this subchapter
12 must be located prominently and must be in the English language
13 in conspicuous and legible type in contrast by typography, layout
14 or color with other printed matter on the label.

15 4. Exemptions. If the commissioner finds that, due to the
16 size of the package involved or due to the minor hazard presented
17 by the substance contained, or for other good and sufficient
18 reasons, full compliance with the labeling requirements otherwise
19 applicable under this subchapter is impracticable or is not
20 necessary for the adequate protection of the public health and
21 safety, the commissioner shall adopt rules exempting the
22 substance from these requirements to the extent the commissioner
23 determines to be consistent with adequate protection of the
24 public health and safety, or if the commissioner finds that the
25 requirements of this section are not adequate for the protection
26 of the public health and safety in view of the special hazard
27 presented by any particular hazardous substance, the commissioner
28 may by rule establish such reasonable variations or additional
29 label requirements as necessary for the protection of the public
30 health and safety; and any container of hazardous substance,
31 intended or suitable for household use, that does not bear a
32 label in accordance with the rules is a misbranded package of a
33 hazardous substance.

34 5. Declaration of hazardous substance. Whenever in the
35 judgment of the commissioner such action will promote the
36 objectives of this subchapter by avoiding or resolving
37 uncertainty as to its application, the commissioner may by rule
38 declare any substance or mixture of substances that the
39 commissioner finds meets the requirements of section 502,
40 subsection 5 to be a hazardous substance, for the purposes of
41 this subchapter.

STATEMENT OF FACT

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4 This bill requires that all cosmetics labeled as intended
6 for professional use only, which are exempt from federal
 retail-purpose cosmetic labeling laws, be sold only to licensed
 cosmetologists, manicurists, barbers and aestheticians.

8

 This bill also makes corrections in the law to conform its
 format with current standards.