

MAINE STATE LEGISLATURE

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Date: 2/28/24 Majority

(Filing No. H-781)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1908, "An Act to Enact the Safe Cosmetics Act"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA c. 37 is enacted to read:

CHAPTER 37

SAFE COSMETICS ACT

§3301. Short title

This chapter may be known and cited as "the Safe Cosmetics Act."

§3302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cosmetic product. "Cosmetic product" means an article for retail sale or professional use intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance. "Cosmetic product" does not include soap, dietary supplements or food and prescription drugs approved by the United States Food and Drug Administration.

2. Ingredient. "Ingredient" means a single chemical entity or mixture used as a component in the manufacture of a cosmetic product. "Ingredient" does not include an incidental ingredient as described in 21 Code of Federal Regulations, Section 701.3(l).

3. Intentionally added ingredient. "Intentionally added ingredient" means an ingredient added during the manufacture of a cosmetic product or a component of a

COMMITTEE AMENDMENT

1 cosmetic product to provide a specific characteristic, appearance or quality or to perform a
2 specific function.

3 4. **Manufacturer.** "Manufacturer" means a person whose name appears on the label
4 of a cosmetic product pursuant to the requirements of 21 Code of Federal Regulations,
5 Section 701.12.

6 **§3303. Prohibition on the sale and distribution of certain cosmetic products**

7 1. **Prohibition.** Beginning January 1, 2027, a person may not distribute, sell or offer
8 for sale in this State a cosmetic product containing any of the following intentionally added
9 ingredients: lead; mercury; dibutyl phthalate; diethylhexyl phthalate; formaldehyde;
10 paraformaldehyde; quaternium-15; methylene glycol; m-phenylenediamine;
11 o-phenylenediamine; triclosan; triclocarban; or nonylphenol.

12 2. **Exclusion.** The distribution, sale or offering for sale of a cosmetic product in this
13 State does not violate the prohibition in subsection 1 if the cosmetic product contains a
14 technically unavoidable trace quantity of an ingredient identified in subsection 1 and that
15 trace quantity is present due to impurities from a natural or synthetic ingredient used in the
16 manufacture of the cosmetic product, from the manufacturing process or from the storage
17 of the cosmetic product or due to migration of the ingredient from the packaging of the
18 cosmetic product into the cosmetic product.

19 **§3304. Retailer indemnification**

20 If a cosmetic product delivered to a retailer in the State by the manufacturer is
21 subsequently determined to contain an intentionally added ingredient such that the cosmetic
22 product is prohibited from being distributed, sold or offered for sale in this State under
23 section 3303, the retailer is entitled to a full refund from the manufacturer with respect to
24 that cosmetic product, including shipping and other related costs.

25 **§3305. Rules**

26 The department may adopt rules to implement this chapter. Rules adopted pursuant to
27 this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

28 **Sec. 2. Appropriations and allocations.** The following appropriations and
29 allocations are made.

30 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

31 **Maine Environmental Protection Fund 0421**

32 Initiative: Provides funding for one Environmental Specialist III position and one
33 Environmental Specialist IV position and associated costs.

34 GENERAL FUND	2023-24	2024-25
35 POSITIONS - LEGISLATIVE COUNT	0.000	2.000
36 Personal Services	\$0	\$202,922
37 All Other	\$0	\$4,338
38		
39 GENERAL FUND TOTAL	\$0	\$207,260

40 **Maine Environmental Protection Fund 0421**

41 Initiative: Provides funding for chemical testing of cosmetics



131st MAINE LEGISLATURE

LD 1908

LR 1601(02)

An Act to Enact the Safe Cosmetics Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-781)
 Committee: Environment and Natural Resources
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$217,260	\$227,406	\$238,059
Appropriations/Allocations				
General Fund	\$0	\$217,260	\$227,406	\$238,059

Fiscal Detail and Notes

The Department of Environmental Protection (DEP) has indicated that additional regulatory oversight will be required to implement a prohibition on the use of certain restricted substances in cosmetics sold in the state. This bill includes ongoing General Fund appropriations of \$207,260 starting in fiscal year 2024-25 to the DEP for one Environmental Specialist IV position, one Environmental Specialist III position and associated position costs. The bill also includes ongoing General Fund appropriations of \$10,000 to the DEP starting in fiscal year 2024-25 for expenditures related to the chemical testing of cosmetic products.