

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

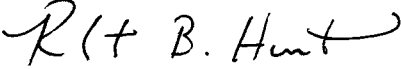
No. 1908

H.P. 1224

House of Representatives, May 9, 2023

An Act to Enact the Safe Cosmetics Act

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.
Cosponsored by Senator DAUGHTRY of Cumberland and
Representatives: GRAMLICH of Old Orchard Beach, O'NEIL of Saco, PLUECKER of
Warren, RANA of Bangor.

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

2 **Sec. 1. 38 MRSA c. 35** is enacted to read:

3 **CHAPTER 35**

4 **SAFE COSMETICS ACT**

5 **§3201. Short title**

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

7 **§3202. Definitions**

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

10 **1. Cosmetic product.** "Cosmetic product" means an article for retail sale or
11 professional use intended to be rubbed, poured, sprinkled, sprayed on, introduced into or
12 otherwise applied to the human body for cleansing, beautifying, promoting attractiveness
13 or altering the appearance.

14 **2. Intentionally added chemical.** "Intentionally added chemical" means a chemical
15 added during the manufacture of a product or product component to provide a specific
16 characteristic, appearance or quality or to perform a specific function.

17 **3. Manufacturer.** "Manufacturer" means a person that manufactures a final consumer
18 product or whose brand name is affixed to the consumer product. In the case of a consumer
19 product that is imported into the United States, "manufacturer" includes the importer or
20 first domestic distributor of the consumer product if the person that manufactured or
21 assembled the consumer product or whose brand name is affixed to the consumer product
22 does not have a presence in the United States.

23 **4. Nonfunctional by-product.** "Nonfunctional by-product" means an element or
24 compound that has no functional or technical effect in the finished product and that:

25 A. Was intentionally added during the manufacturing process for a cosmetic product
26 at any point in a product's, a raw material's or an ingredient's supply chain; or

27 B. Was created or formed during the manufacturing process at any point in a product's,
28 a raw material's or an ingredient's supply chain.

29 "Nonfunctional by-product" includes, but is not limited to, an unreacted raw material, a
30 breakdown product of an intentionally added chemical or a by-product of the
31 manufacturing process.

32 **5. Nonfunctional contaminant.** "Nonfunctional contaminant" means an element or
33 compound present in a cosmetic product as an unintentional consequence of manufacturing
34 that has no functional or technical effect in the finished product. "Nonfunctional
35 contaminant" includes, but is not limited to, elements or compounds present in the
36 environment as contaminants that were introduced into a product, a raw material or a
37 product ingredient as a result of the use of an environmental medium, such as a naturally
38 occurring mineral, air, soil or water, in the manufacturing process at any point in a
39 product's, a raw material's or an ingredient's supply chain.

1 **6. Practical quantification limit.** "Practical quantification limit" means the lowest
2 concentration of a chemical that can be reliably measured within specified limits of
3 precision, accuracy, representativeness, completeness and comparability during routine
4 laboratory operating conditions.

5 **7. Restricted substance.** "Restricted substance" means the following:

6 A. Heavy metals and heavy metal-containing compounds, including arsenic, cadmium,
7 cadmium compounds, chromium, lead, lead compounds, nickel and selenium;

8 B. Parabens, including butylparaben, ethylparaben, isobutylparaben, isopropylparaben,
9 methylparaben and propylparaben;

10 C. Ortho-phthalates and their esters, including dibutyl phthalate, dicyclohexyl
11 phthalate, hexyl phthalate, diisobutyl phthalate, diisodecyl phthalate, diisononyl
12 phthalate, diisooctyl phthalate, diethylhexyl phthalate, diethyl phthalate and benzyl
13 butyl phthalate;

14 D. Formaldehyde and formaldehyde releasers, including formaldehyde,
15 paraformaldehyde, quaternium-15, diazolidinyl urea, DMDM hydantoin, methylene
16 glycol, imidazolidinyl urea and sodium hydroxymethylglycinate;

17 E. Benzophenones, including benzophenone, benzophenone-1, benzophenone-2,
18 benzophenone-3, dihydroxybenzophenone, resbenzophenone and oxybenzone;

19 F. Known carcinogens, including benzene, carbon black, coal tar, ethylene oxide,
20 toluene, naphthalene, metallic nickel, styrene and xylene;

21 G. Asbestos and asbestos-containing compounds, including talc;

22 H. Butylated compounds, including butylated hydroxytoluene and butylated
23 hydroxyanisole;

24 I. Siloxanes, including cyclotetrasiloxane, cyclopentasiloxane,
25 octamethylcyclotetrasiloxane and cyclosiloxanes;

26 J. Phenylenediamines, including m-phenylenediamine, o-phenylenediamine and
27 p-phenylenediamine, triclosan, triclocarban and nonylphenol; and

28 K. Nitrosamine and nitrosamine releasers, including diethanolamine and
29 triethanolamine.

30 **§3203. Prohibition on restricted substances as intentionally added chemicals**

31 A person may not distribute, sell or offer for sale in this State a cosmetic product
32 containing a restricted substance as an intentionally added chemical in any amount,
33 including as a nonfunctional by-product or a nonfunctional contaminant above the practical
34 quantification limit. The practical quantification limit must be based on scientifically
35 defensible, standard analytical methods. The practical quantification limit for a given
36 restricted substance may be different depending on the analytical method used.

37 **§3204. Certificate of compliance**

38 If the department has reason to believe that a cosmetic product contains a restricted
39 substance as an intentionally added chemical and is being offered for sale in violation of
40 section 3203, the department may issue a notice to the manufacturer of the cosmetic product
41 to provide the department with a certificate of compliance attesting that the cosmetic

1 product does not contain a restricted substance as an intentionally added chemical no later
2 than the 30th day after the date of the notice. A manufacturer that does not provide a
3 certificate of compliance shall notify persons that sell that cosmetic product in this State
4 that the sale of that cosmetic product is prohibited in this State and provide the department
5 with a list of the names and addresses of those notified no later than the 30th day after the
6 date of the notice.

7 **§3205. Rules**

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

10

SUMMARY

11 This bill prohibits the distribution or sale in this State of a cosmetic product containing
12 certain restricted substances as an intentionally added chemical in any amount, including
13 as a nonfunctional by-product or a nonfunctional contaminant above the practical
14 quantification limit.