

1 S.251

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Health; offenses against public health; cosmetics; formaldehyde

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the
7 manufacture, distribution, sale, or distribution in commerce in the State of a
8 cosmetic that contains formaldehyde or a formaldehyde equivalent. The bill
9 would also prohibit a person from performing or offering to perform
10 appearance-enhancing services using a cosmetic that contains formaldehyde or
11 a formaldehyde equivalent. In addition, the bill would prohibit a manufacturer
12 from replacing formaldehyde or a formaldehyde equivalent in a cosmetic with
13 a chemical that is a carcinogen or a chemical that is identified as causing harm
14 to reproduction or development, hormone disruption, or neurotoxicity. A
15 violation of the prohibitions in the bill would be deemed a violation of the
16 Consumer Protection Act.

17 An act relating to the use of formaldehyde in cosmetics

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 1514 is added to read:

3 § 1514. FORMALDEHYDE IN COSMETIC PRODUCTS

4 (a) Definitions. As used in this section:

5 (1) “Cosmetic” means, as set forth in 21 U.S.C. § 321:

6 (A) articles intended to be rubbed, poured, sprinkled, or sprayed on,
7 introduced into, or otherwise applied to the human body or any part thereof for
8 cleansing, beautifying, promoting attractiveness, or altering the
9 appearance; and

10 (B) articles intended for use as a component of any article under
11 subdivision (A) of this subdivision (1), except that such term shall not
12 include soap.

13 (2) “Formaldehyde” means a chemical compound having a chemical
14 formula of CH₂O and a Chemical Abstract Registry Number of 18540-29-9.

15 (3) “Formaldehyde equivalents” means formaldehyde and hydrated
16 formaldehyde.

17 (4) “Soap” means an article that meets the following conditions:

18 (A) The bulk of the nonvolatile matter in the product consists of an
19 alkali salt of fatty acids and the detergent properties of the article are due to the
20 alkali-fatty acid compounds.

21 (B) The product is labeled, sold, and represented only as soap.

1 (b) Prohibition; cosmetics. A person shall not manufacture, distribute, sell,
2 or distribute in commerce in the State a cosmetic that contains:

3 (1) formaldehyde or a formaldehyde equivalent; or

4 (2) an ingredient that, under normal conditions of the product's use,
5 releases formaldehyde or a formaldehyde equivalent at a level exceeding
6 0.05 percent.

7 (c) Prohibition; appearance-enhancing services. A person shall not perform
8 or offer to perform appearance-enhancing services using a cosmetic that
9 contains:

10 (1) formaldehyde or a formaldehyde equivalent; or

11 (2) an ingredient that, under normal conditions of the product's use,
12 releases formaldehyde or a formaldehyde equivalent at a level exceeding
13 0.05 percent.

14 (d) Replacement chemicals.

15 (1) A manufacturer shall not replace formaldehyde or a formaldehyde
16 equivalent in a cosmetic prohibited under subsection (b) or (c) of this section
17 with a chemical that is:

18 (A) rated by the U.S. Environmental Protection Agency as an A, B,
19 or C carcinogen;

20 (B) listed as known, likely, reasonably anticipated to be, or
21 suggestive of being a human carcinogen, as described in the U.S.

1 Environmental Protection Agency List of Chemicals Evaluated for
2 Carcinogenic Potential or in a U.S. Department of Health and Human Services
3 Public Health Service National Toxicology Report on carcinogens; or
4 (C) given an overall carcinogenicity evaluation of Group 1,
5 Group 2A, or Group 2B by the International Agency for Research on Cancer.

6 (2) A manufacturer shall not replace formaldehyde or a formaldehyde
7 equivalent in a cosmetic prohibited under subsection (b) or (c) of this section
8 with chemicals that are identified as causing harm to reproduction or
9 development, hormone disruption, or neurotoxicity, according to:

10 (A) a report by an expert panel of the National Toxicology Program's
11 Center for the Evaluation of Risks to Human Reproduction; or

12 (B) the U.S. Environmental Protection Agency.

13 (e) Violations; enforcement. A violation of this section shall be deemed a
14 violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney
15 General has the same authority to make rules, conduct civil investigations,
16 enter into assurances of discontinuance, and bring civil actions, and private
17 parties have the same rights and remedies as provided under 9 V.S.A.
18 chapter 63.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.