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H.602

Introduced by Representatives Webb of Shelburne, Brumsted of Shelburne,  
Christie of Hartford, Conlon of Cornwall, Dunn of Essex, Fields  
of Bennington, Houghton of Essex, Howard of Rutland City,  
Joseph of North Hero, Morris of Bennington, Ode of  
Burlington, Scheu of Middlebury, Squirrell of Underhill,  
Sullivan of Burlington, Townsend of South Burlington, and  
Troiano of Stannard

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to prohibit the  
manufacture, distribution, sale, or distribution in commerce in the State of a  
cosmetic that contains formaldehyde or a formaldehyde equivalent. The bill  
would also prohibit a person from performing or offering to perform  
appearance-enhancing services using a cosmetic that contains formaldehyde or  
a formaldehyde equivalent. In addition, the bill would prohibit a manufacturer  
from replacing formaldehyde or a formaldehyde equivalent in a cosmetic with  
a chemical that is a carcinogen or a chemical that is identified as causing harm  
to reproduction or development, hormone disruption, or neurotoxicity. A

1 violation of the prohibitions in the bill would be deemed a violation of the  
2 Consumer Protection Act.

3 An act relating to the use of formaldehyde in cosmetics

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

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

6 § 1514. FORMALDEHYDE IN COSMETIC PRODUCTS

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

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

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

13 (B) articles intended for use as a component of any article under  
14 subdivision (A) of this subdivision (1); except that such term shall not include  
15 soap.

16 (2) “Formaldehyde” means a chemical compound having a chemical  
17 formula of CH<sub>2</sub>O and a Chemical Abstract Registry Number of 18540-29-9.

18 (3) “Formaldehyde equivalents” means formaldehyde and hydrated  
19 formaldehyde.

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

1           (A) the bulk of the nonvolatile matter in the product consists of an  
2           alkali salt of fatty acids and the detergent properties of the article are due to the  
3           alkali-fatty acid compounds; and

4           (B) the product is labeled, sold, and represented only as soap.

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

7           (1) formaldehyde or formaldehyde equivalents; or

8           (2) an ingredient that, under normal conditions of the product's use,  
9           releases formaldehyde or a formaldehyde equivalent at a level exceeding  
10          0.05 percent.

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

14          (1) formaldehyde or a formaldehyde equivalent; or

15          (2) an ingredient that, under normal conditions of the product's use,  
16          releases formaldehyde or a formaldehyde equivalent at a level exceeding  
17          0.05 percent.

18          (d) Replacement chemicals.

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

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

3           (B) listed as known, likely, reasonably anticipated to be, or  
4           suggestive of being a human carcinogen, as described in the U.S.  
5           Environmental Protection Agency List of Chemicals Evaluated for  
6           Carcinogenic Potential or in a U.S. Department of Health and Human Services  
7           Public Health Service National Toxicology Report on carcinogens; or

8           (C) given an overall carcinogenicity evaluation of Group 1, Group  
9           2A, or Group 2B by the International Agency for Research on Cancer.

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

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

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

17           (e) Violations; enforcement. A violation of this section shall be deemed a  
18           violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney  
19           General has the same authority to make rules, conduct civil investigations,  
20           enter into assurances of discontinuance, and bring civil actions, and private

- 1 parties have the same rights and remedies as provided under 9 V.S.A.
- 2 chapter 63.
- 3 Sec. 2. EFFECTIVE DATE
- 4 This act shall take effect on July 1, 2018.