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H.677

Introduced by Representatives Whitman of Bennington, Anthony of Barre  
City, Bluemle of Burlington, Brumsted of Shelburne, Campbell  
of St. Johnsbury, Coffey of Guilford, Cordes of Lincoln, Dolan  
of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro,  
Houghton of Essex, Jerome of Brandon, Masland of Thetford,  
Mrowicki of Putney, Nicoll of Ludlow, Noyes of Wolcott, Ode  
of Burlington, Pajala of Londonderry, Rachelson of Burlington,  
Scheu of Middlebury, Sheldon of Middlebury, Small of  
Winooski, White of Hartford, Wood of Waterbury, and  
Yacovone of Morristown

Referred to Committee on

Date:

Subject: Health; public health; chemicals; cosmetic products

Statement of purpose of bill as introduced: This bill proposes to prohibit the  
manufacture, sale, and distribution in Vermont of cosmetic products containing  
certain chemicals and chemical classes.

An act relating to regulating cosmetic products containing certain chemicals  
and chemical classes

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

2 Sec. 1. 18 V.S.A. chapter 36 is added to read:

3 CHAPTER 36. CHEMICALS IN COSMETIC PRODUCTS

4 § 1721. DEFINITIONS

5 As used in this chapter:

6 (1) “Bisphenols” means any member of a class of industrial chemicals  
7 that contain two hydroxyphenyl groups. Bisphenols are used primarily in the  
8 manufacture of polycarbonate plastic and epoxy resins.

9 (2) “Coal tar compounds” means chemicals in coal tar, including coal  
10 tar (CAS 65996-92-1) and carbon black (CAS 1333-86-4).

11 (3) “Cosmetic product” means articles or a component of articles  
12 intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or  
13 otherwise applied to the human body or any part thereof for cleansing,  
14 promoting attractiveness, or improving or altering appearance, including those  
15 intended for use by professionals. “Cosmetic product” does not mean soap,  
16 dietary supplements, or food and drugs approved by the U.S. Food and Drug  
17 Administration.

18 (4) “Formaldehyde releasing agent” means a chemical that releases  
19 formaldehyde.

20 (5) “Manufacturer” means any person, firm, association, partnership,  
21 corporation, organization, joint venture, importer, or domestic distributor of a

1 cosmetic product. As used in this subdivision, “importer” means the owner of  
2 the product.

3 (6) “Ortho-phthalates” means any member of the class of organic  
4 chemicals that are esters of phthalic acid containing two carbon chains located  
5 in the ortho position.

6 (7) “Parabens” means esters of parahydroxybenzoic acid, including  
7 methylparaben (99-76-3), ethylparaben, propylparaben (CAS 94-13-3), and  
8 butylparaben (CAS 94-26-8).

9 (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a  
10 class of fluorinated organic chemicals containing at least one fully fluorinated  
11 carbon atom.

12 (9) “Professional” means a person granted a license pursuant to  
13 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,  
14 manicuring, or esthetics.

15 (10) “Undisclosed synthetic fragrances” means manmade chemicals that  
16 serve the function of being fragrances in a cosmetic product and have not been  
17 disclosed to the public on a label or on a manufacturer’s website.

18 § 1722. PUBLICLY AVAILABLE INFORMATION

19 A manufacturer of a cosmetic product that is manufactured on or after  
20 January 1, 2023 shall have the following information posted on its website for  
21 each cosmetic product sold:



- 1           (9) Styrene (CAS 100-42-5);
- 2           (10) 1, 4-dioxane (CAS 123-91-1);
- 3           (11) Cadmium and cadmium compounds (CAS 7440-43-9);
- 4           (12) Octamethylcyclotetrasiloxane (CAS 556-67-2);
- 5           (13) Decamethylcyclopentasiloxane (CAS 541-02-6);
- 6           (14) Toluene (CAS 108-88-3);
- 7           (15) Parabens;
- 8           (16) Lead and lead compounds (CAS 7439-92-1);
- 9           (17) Asbestos;
- 10          (18) Hydroquinone (CAS 123-31-9);
- 11          (19) 2-Ethyhexyl acrylate (CAS 103-11-7);
- 12          (20) Ethyl acrylate (CAS 140-88-5);
- 13          (21) Aluminum salts;
- 14          (22) Benzalkonium chloride (CAS 8001-54-5);
- 15          (23) Coal tar compounds;
- 16          (24) Triclosan (CAS 3380-34-5);
- 17          (25) Methylisothiazolinone (CAS 2682-20-4);
- 18          (26) Methylchloroisothiazolinone (CAS 26172-55-4);
- 19          (27) m-phenylenediamine and its salts (CAS 108- 42-5);
- 20          (28) o-phenylenediamine and its salts (CAS 95- 54-5);
- 21          (29) p-phenylenediamine and its salts (CAS 106- 50-3); and

1           (30) any undisclosed synthetic fragrances not listed in this subsection.

2           (b) A cosmetic product made through manufacturing processes intended to  
3           comply with this chapter and containing a technically unavoidable trace  
4           quantity of a chemical or chemical class listed in subsection (a) of this section  
5           shall not be in violation of this chapter on account of the trace quantity where it  
6           is the result of:

7           (1) natural or synthetic ingredients;

8           (2) the manufacturing process;

9           (3) storage; or

10          (4) migration from packaging.

11          § 1724. CERTIFICATE OF COMPLIANCE

12          The Attorney General may request a certificate of compliance from a  
13          manufacturer of a cosmetic product. Within 30 days after receipt of the  
14          Attorney General's request for a certificate of compliance, the manufacturer  
15          shall:

16          (1) provide the Attorney General with a certificate attesting that the  
17          manufacturer's product or products comply with the requirements of this  
18          chapter; or

19          (2) notify persons who are selling a product of the manufacturer's in this  
20          State that the sale is prohibited because the product does not comply with this

1 chapter and submit to the Attorney General a list of the names and addresses of  
2 those persons notified.

3 § 1725. RULEMAKING

4 Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules  
5 necessary for the implementation, administration, and enforcement of this  
6 chapter.

7 § 1726. PENALTIES

8 (a) A violation of this chapter shall be deemed a violation of the Consumer  
9 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same  
10 authority to make rules, conduct civil investigations, enter into assurances of  
11 discontinuance, and bring civil actions, and private parties have the same rights  
12 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

13 (b) Nothing in this section shall be construed to preclude or supplant any  
14 other statutory or common law remedies.

15 Sec. 3. EFFECTIVE DATES

16 This act shall take effect on July 1, 2022, except that Sec. 2 (chemicals in  
17 cosmetic products) shall take effect on January 1, 2025.