

# HOUSE BILL 1080

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By: **Delegates Kramer and Fraser-Hidalgo**

Introduced and read first time: February 7, 2018

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Cleaning Product Right-to-Know Act**

3 FOR the purpose of requiring a manufacturer of a certain product sold or offered for sale in  
4 the State to disclose certain information on the label of the product under certain  
5 circumstances beginning on a certain date; requiring the manufacturer to determine  
6 a certain concentration of certain allergens in certain products in a certain manner  
7 for certain purposes; requiring a manufacturer of certain products to post on the  
8 website of the manufacturer certain information in a certain manner under certain  
9 circumstances beginning on a certain date; authorizing the manufacturer to list  
10 certain information on the label of certain products and website of the manufacturer  
11 in a certain manner; requiring a manufacturer of a certain product to make certain  
12 information available in a certain format; providing that a manufacturer of a certain  
13 product may protect and is not required to disclose certain information; requiring a  
14 manufacturer that protects a certain ingredient in a certain manner to use a certain  
15 name for the ingredient under certain circumstances; requiring a certain supplier to  
16 a certain manufacturer to follow certain guidelines under certain circumstances;  
17 requiring certain ingredients and certain constituents to be listed on the label of  
18 certain products and posted on certain websites under certain nomenclature systems  
19 in a certain manner; requiring a certain manufacturer to make certain revisions to  
20 certain information within certain periods of time after certain events; establishing  
21 that a violation of this Act is an unfair or deceptive trade practice under the  
22 Maryland Consumer Protection Act and subject to certain enforcement and penalty  
23 provisions; providing for the construction of certain provisions of this Act; declaring  
24 a certain intent of the General Assembly; defining certain terms; and generally  
25 relating to cleaning products sold or offered for sale in the State.

26 BY adding to

27 Article – Commercial Law

28 Section 14-4101 through 14-4109 to be under the new subtitle “Subtitle 41. Cleaning  
29 Product Right-to-Know Act”

30 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Commercial Law**

**SUBTITLE 41. CLEANING PRODUCT RIGHT-TO-KNOW ACT.**

**14-4101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AIR CARE PRODUCT” MEANS A CHEMICALLY FORMULATED CONSUMER PRODUCT LABELED TO INDICATE THAT THE PURPOSE OF THE PRODUCT IS TO ENHANCE OR CONDITION THE INDOOR ENVIRONMENT BY ELIMINATING UNPLEASANT ODORS OR FRESHENING THE AIR.

(C) (1) “AUTOMOTIVE PRODUCT” MEANS A CHEMICALLY FORMULATED CONSUMER PRODUCT LABELED TO INDICATE THAT THE PURPOSE OF THE PRODUCT IS TO MAINTAIN THE APPEARANCE OF A MOTOR VEHICLE, INCLUDING PRODUCTS FOR WASHING, WAXING, POLISHING, CLEANING, OR TREATING THE EXTERIOR OR INTERIOR SURFACES OF MOTOR VEHICLES.

(2) “AUTOMOTIVE PRODUCT” DOES NOT INCLUDE AUTOMOTIVE PAINT OR PAINT REPAIR PRODUCTS.

(D) “CHEMICALLY FORMULATED CONSUMER PRODUCT” MEANS A PRODUCT, EXCLUDING A HOME APPLIANCE, THAT IS MANUFACTURED:

(1) FROM CHEMICALS FOR USE BY A HOUSEHOLD, INSTITUTIONAL, OR COMMERCIAL CONSUMER; AND

(2) EXCEPT FOR DILUTION BY THE USER OF THE PRODUCT, WITHOUT FURTHER PROCESSING FOR SPECIFIC PURPOSES.

(E) “COLORANT” MEANS INGREDIENTS THAT, ALONE OR IN COMBINATION WITH OTHER INGREDIENTS, ARE ADDED TO A PRODUCT FOR THE SPECIFIC PURPOSE OF IMPARTING OR ALTERING THE COLOR OF A PRODUCT.

(F) (1) “CONFIDENTIAL BUSINESS INFORMATION” MEANS ANY INTENTIONALLY ADDED INGREDIENT OR COMBINATION OF INGREDIENTS FOR WHICH:

1 (I) A CLAIM HAS BEEN APPROVED BY THE FEDERAL  
2 ENVIRONMENTAL PROTECTION AGENCY FOR INCLUSION ON THE TOXIC  
3 SUBSTANCES CONTROL ACT CONFIDENTIAL INVENTORY; OR

4 (II) THE MANUFACTURER OR ITS SUPPLIER CLAIMS  
5 PROTECTION UNDER TITLE 11, SUBTITLE 12 OF THIS ARTICLE.

6 (2) "CONFIDENTIAL BUSINESS INFORMATION" DOES NOT INCLUDE:

7 (I) AN INTENTIONALLY ADDED INGREDIENT OR COMBINATION  
8 OF INGREDIENTS THAT IS ON A DESIGNATED LIST;

9 (II) A NONFUNCTIONAL CONSTITUENT; AND

10 (III) A FRAGRANCE ALLERGEN INCLUDED ON ANNEX III OF THE  
11 EU COSMETICS REGULATION No. 1223/2009 AS REQUIRED TO BE LABELED BY THE  
12 EU DETERGENTS REGULATION No. 648/2004, OR SUBSEQUENT UPDATES TO THOSE  
13 REGULATIONS, WHEN PRESENT IN THE PRODUCT AT A CONCENTRATION AT OR  
14 ABOVE 0.01% (100 PPM).

15 (G) "DESIGNATED LIST" MEANS ANY OF THE FOLLOWING, INCLUDING  
16 SUBSEQUENT REVISIONS WHEN ADOPTED BY THE AUTHORITATIVE BODY:

17 (1) CHEMICALS IDENTIFIED BY THE STATE AS CAUSING CANCER OR  
18 REPRODUCTIVE TOXICITY;

19 (2) CHEMICALS CLASSIFIED BY THE EUROPEAN UNION AS  
20 CARCINOGENS, MUTAGENS, OR REPRODUCTIVE TOXICANTS UNDER CATEGORY 1A  
21 OR 1B IN ANNEX VI TO REGULATION (EC) 1272/2008;

22 (3) CHEMICALS INCLUDED IN THE EUROPEAN UNION CANDIDATE  
23 LIST OF SUBSTANCES OF VERY HIGH CONCERN IN ACCORDANCE WITH ARTICLE 59  
24 OF REGULATION (EC) 1907/2006 ON THE BASIS OF ARTICLE 57(F) FOR ENDOCRINE  
25 DISRUPTING PROPERTIES;

26 (4) CHEMICALS FOR WHICH A REFERENCE DOSE OR REFERENCE  
27 CONCENTRATION HAS BEEN DEVELOPED BASED ON NEUROTOXICITY IN THE  
28 FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S INTEGRATED RISK  
29 INFORMATION SYSTEM;

30 (5) CHEMICALS THAT ARE IDENTIFIED AS CARCINOGENIC TO  
31 HUMANS, LIKELY TO BE CARCINOGENIC TO HUMANS, OR AS GROUP A, B1, OR B2

1 CARCINOGENS IN THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S  
2 INTEGRATED RISK INFORMATION SYSTEM;

3 (6) CHEMICALS INCLUDED IN THE EUROPEAN CHEMICALS AGENCY  
4 CANDIDATE LIST OF SUBSTANCES OF VERY HIGH CONCERN IN ACCORDANCE WITH  
5 ARTICLE 59 OF REGULATION (EC) 1907/2006 ON THE BASIS OF ARTICLE 57(D),  
6 ARTICLE 57(E), OR ARTICLE 57(F) OF REGULATION (EC) 1907/2006 FOR  
7 PERSISTENT, BIOACCUMULATIVE AND TOXIC, OR VERY PERSISTENT AND VERY  
8 BIOACCUMULATIVE PROPERTIES;

9 (7) CHEMICALS THAT ARE IDENTIFIED AS PERSISTENT,  
10 BIOACCUMULATIVE, AND INHERENTLY TOXIC TO THE ENVIRONMENT BY THE  
11 CANADIAN ENVIRONMENTAL PROTECTION ACT ENVIRONMENTAL REGISTRY  
12 DOMESTIC SUBSTANCES LIST;

13 (8) CHEMICALS CLASSIFIED BY THE EUROPEAN UNION IN ANNEX VI  
14 TO REGULATION (EC) 1272/2008 AS RESPIRATORY SENSITIZER CATEGORY 1;

15 (9) GROUP 1, 2A, OR 2B CARCINOGENS IDENTIFIED BY THE  
16 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER;

17 (10) NEUROTOXICANTS THAT ARE IDENTIFIED IN THE FEDERAL  
18 AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY'S TOXIC SUBSTANCES  
19 PORTAL, HEALTH EFFECTS OF TOXIC SUBSTANCES AND CARCINOGENS, NERVOUS  
20 SYSTEM;

21 (11) PERSISTENT BIOACCUMULATIVE AND TOXIC PRIORITY  
22 CHEMICALS THAT ARE IDENTIFIED BY THE FEDERAL ENVIRONMENTAL  
23 PROTECTION AGENCY NATIONAL WASTE MINIMIZATION PROGRAM;

24 (12) REPRODUCTIVE OR DEVELOPMENTAL TOXICANTS IDENTIFIED IN  
25 MONOGRAPHS ON THE POTENTIAL HUMAN REPRODUCTIVE AND DEVELOPMENTAL  
26 EFFECTS, PUBLISHED BY THE FEDERAL NATIONAL TOXICOLOGY PROGRAM,  
27 OFFICE OF HEALTH ASSESSMENT AND TRANSLATION;

28 (13) CHEMICALS IDENTIFIED BY THE FEDERAL ENVIRONMENTAL  
29 PROTECTION AGENCY'S TOXICS RELEASE INVENTORY AS PERSISTENT,  
30 BIOACCUMULATIVE AND TOXIC CHEMICALS THAT ARE SUBJECT TO REPORTING  
31 UNDER SECTION 313 OF THE EMERGENCY PLANNING AND COMMUNITY  
32 RIGHT-TO-KNOW ACT OF 1986 (42 U.S.C. SEC. 11001, ET SEQ.);

33 (14) THE WASHINGTON DEPARTMENT OF ECOLOGY'S PERSISTENT,  
34 BIOACCUMULATIVE, TOXIC (PBT) CHEMICALS IDENTIFIED IN CHAPTER 173-333

1 OF TITLE 173 OF THE WASHINGTON ADMINISTRATIVE CODE;

2 (15) CHEMICALS THAT ARE IDENTIFIED AS KNOWN TO BE, OR  
3 REASONABLY ANTICIPATED TO BE, HUMAN CARCINOGENS BY THE 13TH REPORT ON  
4 CARCINOGENS PREPARED BY THE FEDERAL NATIONAL TOXICOLOGY PROGRAM,  
5 EXCLUDING ANY SUBSEQUENT REVISIONS TO THE REPORT;

6 (16) CHEMICALS FOR WHICH NOTIFICATION LEVELS HAVE BEEN  
7 ESTABLISHED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT;

8 (17) CHEMICALS FOR WHICH PRIMARY MAXIMUM CONTAMINANT  
9 LEVELS HAVE BEEN ESTABLISHED UNDER REGULATIONS ADOPTED BY THE  
10 MARYLAND DEPARTMENT OF THE ENVIRONMENT;

11 (18) CHEMICALS IDENTIFIED AS TOXIC AIR CONTAMINANTS UNDER  
12 STATE LAW;

13 (19) CHEMICALS THAT ARE IDENTIFIED:

14 (I) AS PRIORITY POLLUTANTS IN THE STATE UNDER SECTION  
15 303 OF THE FEDERAL CLEAN WATER ACT AND TITLE 40, SECTION 131 OF THE CODE  
16 OF FEDERAL REGULATIONS; OR

17 (II) AS POLLUTANTS BY THE STATE OR THE FEDERAL  
18 ENVIRONMENTAL PROTECTION AGENCY FOR ONE OR MORE WATER BODIES IN THE  
19 STATE UNDER SUBDIVISION (D) OF SECTION 303 OF THE FEDERAL CLEAN WATER  
20 ACT AND SECTION 130.7 OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS;

21 (20) CHEMICALS THAT ARE IDENTIFIED BY THE STATE AS HAVING  
22 NONCANCER ENDPOINTS AND HAVING AN INHALATION OR ORAL REFERENCE  
23 EXPOSURE LEVEL; AND

24 (21) CHEMICALS THAT ARE IDENTIFIED ON PART A OF THE LIST OF  
25 CHEMICALS FOR PRIORITY ACTION PREPARED BY THE OSLO AND PARIS  
26 CONVENTIONS FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE  
27 NORTH-EAST ATLANTIC.

28 (H) (1) "DESIGNATED PRODUCT" MEANS A FINISHED PRODUCT THAT IS  
29 AN AIR CARE PRODUCT, AN AUTOMOTIVE PRODUCT, A GENERAL CLEANING  
30 PRODUCT, OR A POLISH OR FLOOR MAINTENANCE PRODUCT USED PRIMARILY FOR  
31 JANITORIAL, DOMESTIC, OR INSTITUTIONAL CLEANING PURPOSES.

32 (2) "DESIGNATED PRODUCT" DOES NOT INCLUDE:

1 (I) FOODS, DRUGS, AND COSMETICS, INCLUDING PERSONAL  
2 CARE ITEMS SUCH AS TOOTHPASTE, SHAMPOO, AND HAND SOAP;

3 (II) INDUSTRIAL PRODUCTS SPECIFICALLY MANUFACTURED  
4 FOR, AND EXCLUSIVELY USED IN, THE FOLLOWING:

5 1. OIL AND GAS PRODUCTION;

6 2. STEEL PRODUCTION;

7 3. HEAVY INDUSTRY MANUFACTURING;

8 4. INDUSTRIAL WATER TREATMENT;

9 5. INDUSTRIAL TEXTILE MAINTENANCE AND  
10 PROCESSING OTHER THAN INDUSTRIAL LAUNDERING;

11 6. FOOD AND BEVERAGE PROCESSING AND PACKAGING;

12 AND

13 7. OTHER INDUSTRIAL MANUFACTURING PROCESSES;

14 AND

15 (III) A TRIAL SAMPLE OF A DESIGNATED PRODUCT THAT:

16 1. IS NOT PACKAGED FOR INDIVIDUAL SALE, RESALE, OR  
17 RETAIL; AND

18 2. INCLUDES A STATEMENT INDICATING THAT THE  
19 PRODUCT IS NOT FOR SALE OR RESALE.

20 (I) "ELECTRONICALLY READABLE FORMAT" MEANS THAT THE  
21 INFORMATION PROVIDED:

22 (1) IS MACHINE-READABLE BY AUTOMATED SYSTEMS, INCLUDING  
23 WEB BROWSERS, ACCESSIBILITY SOFTWARE TO AID THE DISABLED, AUTOMATED  
24 SCRIPTS, AND OTHER SOFTWARE PROGRAMS OR APPLICATIONS;

25 (2) IS NOT RESTRICTED FROM ACCESS BY SEARCH ENGINES;

26 (3) IS NOT RESTRICTED FROM ACCESS BY A REQUIREMENT FOR  
27 REGISTRATION, THE PROVISION OF PERSONALLY IDENTIFIABLE INFORMATION, OR

1 THE USE OF CAPTCHA OR SIMILAR CHALLENGE RESPONSE TEST TECHNOLOGIES,  
2 WHETHER VISUAL, AUDITORY, OR OTHERWISE; AND

3 (4) CONFORMS TO THE MOST CURRENT VERSION OF THE WEB  
4 CONTENT ACCESSIBILITY GUIDELINES ADOPTED BY THE WEB CONTENT  
5 ACCESSIBILITY GUIDELINES WORKING GROUP OF THE WORLD WIDE WEB  
6 CONSORTIUM.

7 (J) "FRAGRANCE INGREDIENT" MEANS ANY INTENTIONALLY ADDED  
8 SUBSTANCE OR COMPLEX MIXTURE OF AROMA CHEMICALS, NATURAL ESSENTIAL  
9 OILS, AND OTHER FUNCTIONAL INGREDIENT OR INGREDIENTS FOR WHICH THE SOLE  
10 PURPOSE IS TO IMPART AN ODOR OR A SCENT, OR TO COUNTERACT AN ODOR.

11 (K) "GENERAL CLEANING PRODUCT" MEANS A SOAP, A DETERGENT, OR ANY  
12 OTHER CHEMICALLY FORMULATED CONSUMER PRODUCT LABELED TO INDICATE  
13 THAT THE PURPOSE OF THE PRODUCT IS TO CLEAN, DISINFECT, OR OTHERWISE  
14 CARE FOR:

15 (1) FABRIC, DISHES, OR OTHER WARES;

16 (2) SURFACES, INCLUDING FLOORS, FURNITURE, COUNTERTOPS,  
17 SHOWERS, AND BATHS; OR

18 (3) OTHER HARD SURFACES, SUCH AS STOVETOPS, MICROWAVES,  
19 AND OTHER APPLIANCES.

20 (L) (1) "INTENTIONALLY ADDED INGREDIENT" MEANS A CHEMICAL  
21 THAT:

22 (I) A MANUFACTURER HAS INTENTIONALLY ADDED TO A  
23 DESIGNATED PRODUCT; AND

24 (II) HAS A FUNCTIONAL OR TECHNICAL EFFECT IN THE  
25 DESIGNATED PRODUCT.

26 (2) "INTENTIONALLY ADDED INGREDIENT" INCLUDES:

27 (I) THE COMPONENTS OF INTENTIONALLY ADDED FRAGRANCE  
28 INGREDIENTS AND COLORANTS; AND

29 (II) THE INTENTIONAL BREAKDOWN PRODUCTS OF AN ADDED  
30 CHEMICAL THAT HAVE A FUNCTIONAL OR TECHNICAL EFFECT IN THE DESIGNATED  
31 PRODUCT.

1 (M) "MANUFACTURER" MEANS:

2 (1) A PERSON THAT MANUFACTURES THE DESIGNATED PRODUCT  
3 AND WHOSE NAME APPEARS ON THE PRODUCT LABEL; AND

4 (2) A PERSON THAT THE PRODUCT IS MANUFACTURED FOR OR  
5 DISTRIBUTED BY, AS IDENTIFIED ON THE PRODUCT LABEL UNDER THE FEDERAL  
6 FAIR PACKAGING AND LABELING ACT.

7 (N) "NONFUNCTIONAL CONSTITUENT" MEANS ONE OF THE FOLLOWING  
8 SUBSTANCES THAT IS AN INCIDENTAL COMPONENT OF AN INTENTIONALLY ADDED  
9 INGREDIENT, A BREAKDOWN PRODUCT OF AN INTENTIONALLY ADDED INGREDIENT,  
10 OR A BYPRODUCT OF THE MANUFACTURING PROCESS THAT HAS NO FUNCTIONAL OR  
11 TECHNICAL EFFECT ON THE DESIGNATED PRODUCT:

12 (1) 1,4 DIOXANE;

13 (2) 1,1 DICHLOROETHANE;

14 (3) ACRYLIC ACID;

15 (4) BENZENE;

16 (5) BENZIDINE;

17 (6) 1,3 BUTADIENE;

18 (7) CARBON TETRACHLORIDE;

19 (8) CHLOROFORM;

20 (9) ETHYLENE OXIDE;

21 (10) NITRILOTRIACETIC ACID;

22 (11) BUTYL BENZYL PHTHALATE;

23 (12) BUTYL DECYL PHTHALATE;

24 (13) DI(2-ETHYLHEXYL) PHTHALATE;

25 (14) DIETHYL PHTHALATE;



- 1           **(15) DIISOBUTYL PHTHALATE;**
- 2           **(16) DI(N-OCTYL) PHTHALATE;**
- 3           **(17) DIISONONYL PHTHALATE;**
- 4           **(18) DIOCTYL PHTHALATE;**
- 5           **(19) BUTYLPARABEN;**
- 6           **(20) ETHYLPARABEN;**
- 7           **(21) ISOBUTYLPARABEN;**
- 8           **(22) METHYLPARABEN;**
- 9           **(23) PROPYLPARABEN;**
- 10           **(24) FORMALDEHYDE;**
- 11           **(25) 1-(3-CHLOROALLYL)-3,5,7-TRIAZA-1-AZONIAADAMANTANE**  
12 **CHLORIDE;**
- 13           **(26) DMDM HYDANTOIN;**
- 14           **(27) DIAZOLIDINYL UREA;**
- 15           **(28) GLYOXAL;**
- 16           **(29) IMIDAZOLIDINYL UREA;**
- 17           **(30) POLYOXYMETHYLENE UREA;**
- 18           **(31) SODIUM HYDROXYMETHYLGLYCINATE;**
- 19           **(32) 2-BROMO-2-NITROPROPANE-1,3-DIOL;**
- 20           **(33) N-NITROSODIMETHYLAMINE; AND**
- 21           **(34) N-NITROSODIETHYLAMINE.**
- 22           **(O) "POLISH OR FLOOR MAINTENANCE PRODUCT" MEANS A CHEMICALLY**

1 FORMULATED CONSUMER PRODUCT, SUCH AS POLISH, WAX, OR A RESTORER,  
2 LABELED TO INDICATE THAT THE PURPOSE OF THE PRODUCT IS TO POLISH,  
3 PROTECT, BUFF, CONDITION, TEMPORARILY SEAL, OR MAINTAIN FURNITURE,  
4 FLOORS, METAL, LEATHER, OR OTHER SURFACES.

5 (P) "PRODUCT LABEL" MEANS A DISPLAY OF WRITTEN, PRINTED, OR  
6 GRAPHIC MATERIAL THAT IS AFFIXED TO A PRODUCT OR ITS IMMEDIATE CONTAINER  
7 OR WRAPPER.

8 14-4102.

9 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE INDIVIDUALS IN  
10 THE STATE WITH INGREDIENT INFORMATION ABOUT DESIGNATED PRODUCTS THAT  
11 ENCOURAGES INFORMED PURCHASING DECISIONS AND REDUCES PUBLIC HEALTH  
12 IMPACTS FROM EXPOSURE TO POTENTIALLY HARMFUL CHEMICALS IN DESIGNATED  
13 PRODUCTS BY REQUIRING PRODUCT MANUFACTURERS TO PROVIDE A SPECIFIC LIST  
14 OF THE CHEMICALS USED IN THEIR PRODUCTS.

15 14-4103.

16 (A) (1) BEGINNING JANUARY 1, 2021, A MANUFACTURER OF A  
17 DESIGNATED PRODUCT SOLD OR OFFERED FOR SALE IN THE STATE SHALL  
18 DISCLOSE ON THE DESIGNATED PRODUCT'S PRODUCT LABEL:

19 (I) A LIST OF EACH:

20 1. INTENTIONALLY ADDED INGREDIENT CONTAINED IN  
21 THE PRODUCT THAT IS INCLUDED ON A DESIGNATED LIST; AND

22 2. FRAGRANCE ALLERGEN INCLUDED ON ANNEX III OF  
23 THE EU COSMETICS REGULATION No. 1223/2009 AS REQUIRED TO BE LABELED BY  
24 THE EU DETERGENTS REGULATION No. 648/2004 ON JANUARY 1, 2018, WHEN  
25 PRESENT IN THE PRODUCT AT A CONCENTRATION AT OR ABOVE 0.01% (100 PPM);  
26 OR

27 (II) 1. SUBJECT TO PARAGRAPH (2)(II) OF THIS  
28 SUBSECTION, A LIST OF ALL INTENTIONALLY ADDED INGREDIENTS CONTAINED IN  
29 THE DESIGNATED PRODUCT, UNLESS IT IS CONFIDENTIAL BUSINESS INFORMATION;

30 2. A STATEMENT THAT READS "CONTAINS FRAGRANCE  
31 ALLERGEN(S)" WHEN A FRAGRANCE ALLERGEN INCLUDED ON ANNEX III OF THE EU  
32 COSMETICS REGULATION No. 1223/2009 AS REQUIRED TO BE LABELED BY THE EU  
33 DETERGENTS REGULATION No. 648/2004, OR SUBSEQUENT UPDATES TO THOSE

1 REGULATIONS, IS PRESENT IN THE PRODUCT AT A CONCENTRATION AT OR ABOVE  
2 0.01% (100 PPM); AND

3 3. A LIST OF INTENTIONALLY ADDED INGREDIENTS  
4 THAT ARE IDENTIFIED BY THE STATE AS CAUSING CANCER OR REPRODUCTIVE  
5 TOXICITY.

6 (2) (I) THE MANUFACTURER SHALL DETERMINE THE TOTAL  
7 CONCENTRATION OF EACH FRAGRANCE ALLERGEN FOR WHICH A DISCLOSURE IS  
8 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY ADDING  
9 CONTRIBUTIONS OF THE FRAGRANCE ALLERGEN FROM ALL FRAGRANCE  
10 INGREDIENTS IN THE DESIGNATED PRODUCT, INCLUDING ITS PRESENCE IN  
11 ESSENTIAL OILS.

12 (II) FRAGRANCE INGREDIENTS OR COLORANTS DISCLOSED  
13 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY BE LISTED ON THE PRODUCT  
14 LABEL AS “FRAGRANCES” OR “COLORANTS”, RESPECTIVELY.

15 (B) (1) BEGINNING JANUARY 1, 2021, A MANUFACTURER OF A  
16 DESIGNATED PRODUCT SOLD OR OFFERED FOR SALE IN THE STATE SHALL  
17 DISCLOSE THE MANUFACTURER’S TOLL-FREE TELEPHONE NUMBER AND WEBSITE  
18 ADDRESS ON THE DESIGNATED PRODUCT LABEL.

19 (2) IF A DESIGNATED PRODUCT’S PRODUCT LABEL DOES NOT  
20 INCLUDE A FULL LIST OF INTENTIONALLY ADDED INGREDIENTS, IT SHALL INCLUDE  
21 A STATEMENT THAT ALLOWS THE CONSUMER TO OBTAIN MORE INFORMATION  
22 ABOUT THE INTENTIONALLY ADDED INGREDIENTS BY:

23 (I) VISITING THE WEBSITE OF THE MANUFACTURER THAT  
24 PROVIDES ALL THE INFORMATION REQUIRED UNDER § 14-4104 OF THIS SUBTITLE;  
25 OR

26 (II) CALLING A TOLL-FREE TELEPHONE NUMBER FOR THE  
27 MANUFACTURER.

28 (C) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A  
29 MANUFACTURER FROM USING TECHNOLOGIES, SUCH AS ELECTRONIC OR DIGITAL  
30 LINK, IN ADDITION TO THE DISCLOSURES REQUIRED TO BE PRINTED ON A  
31 DESIGNATED PRODUCT LABEL, TO COMMUNICATE THE INFORMATION REQUIRED  
32 UNDER THIS SECTION.

33 14-4104.

1           **(A) (1) BEGINNING JANUARY 1, 2021, THE MANUFACTURER OF A**  
2 **DESIGNATED PRODUCT SOLD OR OFFERED FOR SALE IN THE STATE SHALL POST ON**  
3 **ITS WEBSITE, IN AN ELECTRONICALLY READABLE FORMAT, THE FOLLOWING**  
4 **INFORMATION RELATING TO THE DESIGNATED PRODUCT:**

5                   **(I) EXCEPT FOR INTENTIONALLY ADDED INGREDIENTS THAT**  
6 **ARE CONFIDENTIAL BUSINESS INFORMATION, A LIST OF EACH INTENTIONALLY**  
7 **ADDED INGREDIENT CONTAINED IN THE DESIGNATED PRODUCT;**

8                   **(II) SUBJECT TO ITEM (III) OF THIS PARAGRAPH, A LIST OF ALL**  
9 **NONFUNCTIONAL CONSTITUENTS PRESENT IN THE DESIGNATED PRODUCT AT A**  
10 **CONCENTRATION AT OR ABOVE 0.01% (100 PPM), INCLUDING NONFUNCTIONAL**  
11 **CONSTITUENTS IDENTIFIED BY THE STATE AS CAUSING CANCER OR REPRODUCTIVE**  
12 **TOXICITY;**

13                   **(III) NOTIFICATION OF THE PRESENCE OF 1,4 DIOXANE IF IT IS**  
14 **PRESENT IN THE FINISHED DESIGNATED PRODUCT AT A CONCENTRATION AT OR**  
15 **ABOVE 0.001% (10 PPM);**

16                   **(IV) A LIST OF INTENTIONALLY ADDED INGREDIENTS THAT ARE**  
17 **IDENTIFIED BY THE STATE AS CAUSING CANCER OR REPRODUCTIVE TOXICITY;**

18                   **(V) THE CHEMICAL ABSTRACTS SERVICE NUMBER FOR EACH**  
19 **INTENTIONALLY ADDED INGREDIENT INCLUDED IN THE LIST REQUIRED UNDER**  
20 **ITEM (I) OF THIS PARAGRAPH AND FOR EACH NONFUNCTIONAL CONSTITUENT**  
21 **INCLUDED IN THE LIST REQUIRED UNDER ITEM (II) OF THIS PARAGRAPH;**

22                   **(VI) THE FUNCTIONAL PURPOSE SERVED BY EACH**  
23 **INTENTIONALLY ADDED INGREDIENT INCLUDED IN THE LIST REQUIRED UNDER**  
24 **ITEM (I) OF THIS PARAGRAPH;**

25                   **(VII) ELECTRONIC LINKS FOR DESIGNATED LISTS THAT ARE**  
26 **GROUPED TOGETHER IN A SINGLE LOCATION FOR:**

27                   **1. ANY INTENTIONALLY ADDED INGREDIENT OR**  
28 **NONFUNCTIONAL CONSTITUENT THAT IS INCLUDED ON A DESIGNATED LIST; AND**

29                   **2. ANY FRAGRANCE ALLERGEN INCLUDED ON ANNEX III**  
30 **OF THE EU COSMETICS REGULATION No. 1223/2009 AS REQUIRED TO BE LABELED**  
31 **BY THE EU DETERGENTS REGULATION No. 648/2004, OR SUBSEQUENT UPDATES**  
32 **TO THOSE REGULATIONS; AND**

33                   **(VIII) A LINK TO THE HAZARD COMMUNICATION SAFETY DATA**

1 SHEET FOR THE DESIGNATED PRODUCT.

2 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS  
3 PARAGRAPH, INTENTIONALLY ADDED INGREDIENTS INCLUDED IN THE LIST  
4 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LISTED IN  
5 DESCENDING ORDER OF PREDOMINANCE BY WEIGHT IN THE PRODUCT.

6 (II) INTENTIONALLY ADDED INGREDIENTS PRESENT AT A  
7 WEIGHT BELOW 1% MAY BE LISTED FOLLOWING THE OTHER INGREDIENTS WITHOUT  
8 RESPECT TO THE ORDER OF PREDOMINANCE BY WEIGHT.

9 (3) IF THE CHEMICAL ABSTRACT SERVICE NUMBER FOR ANY  
10 INTENTIONALLY ADDED INGREDIENT OR NONFUNCTIONAL CONSTITUENT  
11 SPECIFIED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION IS NOT AVAILABLE OR  
12 IF THE ADDED INGREDIENT IS CONFIDENTIAL BUSINESS INFORMATION, THE  
13 PHRASE "NOT AVAILABLE" OR "WITHHELD", RESPECTIVELY, SHALL BE USED IN  
14 PLACE OF THE CHEMICAL ABSTRACT SERVICE NUMBER.

15 (4) WHEN LISTING FRAGRANCE INGREDIENTS OR COLORANTS UNDER  
16 PARAGRAPH (1)(VI) OF THIS SUBSECTION, A MANUFACTURER MAY LIST THE  
17 FUNCTION AS A "FRAGRANCE INGREDIENT" OR "COLORANT".

18 (B) (1) IN ADDITION TO THE INFORMATION REQUIRED UNDER  
19 SUBSECTION (A) OF THIS SECTION, BEGINNING JANUARY 1, 2021, THE  
20 MANUFACTURER OF A DESIGNATED PRODUCT SOLD OR OFFERED FOR SALE IN THE  
21 STATE SHALL POST ON ITS WEBSITE, IN AN ELECTRONICALLY READABLE FORMAT,  
22 THE FOLLOWING INFORMATION RELATING TO FRAGRANCE INGREDIENTS OR  
23 ALLERGENS CONTAINED IN THE DESIGNATED PRODUCT:

24 (I) A LIST OF ALL FRAGRANCE INGREDIENTS THAT ARE  
25 INCLUDED ON A DESIGNATED LIST;

26 (II) A LIST OF ALL FRAGRANCE ALLERGENS INCLUDED ON  
27 ANNEX III OF THE EU COSMETICS REGULATION NO. 1223/2009 AS REQUIRED TO  
28 BE LABELED BY THE EU DETERGENTS REGULATION NO. 648/2004, OR  
29 SUBSEQUENT UPDATES TO THOSE REGULATIONS, WHEN PRESENT IN THE PRODUCT  
30 AT A CONCENTRATION AT OR ABOVE 0.01% (100 PPM); AND

31 (III) A LIST OF ALL FRAGRANCE INGREDIENTS, OTHER THAN  
32 THOSE DESCRIBED IN ITEMS (I) AND (II) OF THIS PARAGRAPH THAT ARE PRESENT IN  
33 THE DESIGNATED PRODUCT AT A CONCENTRATION AT OR ABOVE 0.01 PERCENT (100  
34 PPM), UNLESS IT IS CONFIDENTIAL BUSINESS INFORMATION.

1           **(2) THE MANUFACTURER SHALL DETERMINE THE TOTAL**  
2 **CONCENTRATION OF EACH FRAGRANCE ALLERGEN INCLUDED IN THE LIST**  
3 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY ADDING**  
4 **CONTRIBUTIONS OF THE FRAGRANCE ALLERGEN FROM ALL FRAGRANCE**  
5 **INGREDIENTS IN THE DESIGNATED PRODUCT, INCLUDING ITS PRESENCE IN**  
6 **ESSENTIAL OILS.**

7           **(C) (1) IF A DESIGNATED PRODUCT'S PRODUCT LABEL IS REQUIRED TO**  
8 **INCLUDE A WEBSITE ADDRESS UNDER § 14-4103(B) OF THIS SUBTITLE, THE**  
9 **INFORMATION POSTED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL**  
10 **BE POSTED NOT MORE THAN FIVE CLICKS FROM THE UNIFORM RESOURCE**  
11 **LOCATOR PRINTED ON THE PRODUCT LABEL AND NOT MORE THAN FOUR CLICKS**  
12 **FROM A PRODUCT-SPECIFIC WEBSITE.**

13           **(2) (I) A MANUFACTURER OF A DESIGNATED PRODUCT**  
14 **REGULATED UNDER THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT OF**  
15 **1970 SHALL MAKE THE INFORMATION DESCRIBED IN SUBSECTIONS (A)(1)(I)**  
16 **THROUGH (V) AND (B)(1) OF THIS SECTION AVAILABLE IN AN EASILY PRINTABLE**  
17 **FORMAT.**

18           **(II) A MANUFACTURER MAY SATISFY THE REQUIREMENT**  
19 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY INCLUDING THIS INFORMATION**  
20 **ON A PRODUCT SAFETY DATA SHEET OR IN A SEPARATE PRINTABLE LIST.**

21 **14-4105.**

22           **(A) TO PROTECT CONFIDENTIAL BUSINESS INFORMATION, THIS SUBTITLE**  
23 **MAY NOT BE CONSTRUED TO:**

24           **(1) REQUIRE A MANUFACTURER TO DISCLOSE:**

25           **(I) THE WEIGHT OR AMOUNT OF AN INTENTIONALLY ADDED**  
26 **INGREDIENT, INCLUDING A FRAGRANCE INGREDIENT, OR NONFUNCTIONAL**  
27 **CONSTITUENT; OR**

28           **(II) HOW A PRODUCT IS MANUFACTURED; OR**

29           **(2) REQUIRE INTENTIONALLY ADDED INGREDIENTS OR**  
30 **NONFUNCTIONAL CONSTITUENTS PRESENT IN A DESIGNATED PRODUCT AT A**  
31 **CONCENTRATION BELOW 1% TO BE LISTED IN ANY PARTICULAR ORDER.**

32           **(B) (1) A MANUFACTURER MAY PROTECT AND IS NOT REQUIRED TO**  
33 **DISCLOSE ANY INTENTIONALLY ADDED INGREDIENT, INCLUDING ANY FRAGRANCE**

1 INGREDIENT, OR COMBINATION OF INTENTIONALLY ADDED INGREDIENTS THAT IS  
2 CONFIDENTIAL BUSINESS INFORMATION.

3 (2) (I) A MANUFACTURER THAT PROTECTS AN INTENTIONALLY  
4 ADDED INGREDIENT, INCLUDING A FRAGRANCE INGREDIENT, OR COMBINATION OF  
5 INTENTIONALLY ADDED INGREDIENTS AS CONFIDENTIAL BUSINESS INFORMATION  
6 BY DECLINING TO DISCLOSE THE SPECIFIC NAME OF THE CHEMICAL OR CHEMICALS  
7 BEING PROTECTED SHALL USE THE GENERIC NAME FOR THE INTENTIONALLY  
8 ADDED INGREDIENT OR COMBINATION OF INTENTIONALLY ADDED INGREDIENTS AS  
9 PROVIDED IN THE FEDERAL TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL  
10 INVENTORY.

11 (II) 1. IF THE INTENTIONALLY ADDED INGREDIENT OR  
12 COMBINATION OF INTENTIONALLY ADDED INGREDIENTS IS NOT INCLUDED IN THE  
13 TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL INVENTORY, BUT THE  
14 MANUFACTURER CLAIMS PROTECTION FOR THOSE INGREDIENTS OR COMBINATION  
15 OF INGREDIENTS AS A TRADE SECRET UNDER TITLE 11, SUBTITLE 12 OF THIS  
16 ARTICLE, THE MANUFACTURER SHALL USE A NAME FOR THE INTENTIONALLY ADDED  
17 INGREDIENT OR COMBINATION OF INTENTIONALLY ADDED INGREDIENTS THAT IS  
18 ONLY AS GENERIC AS NECESSARY TO PROTECT THE CONFIDENTIAL IDENTITY OF  
19 THE INTENTIONALLY ADDED INGREDIENT OR COMBINATION OF INTENTIONALLY  
20 ADDED INGREDIENTS.

21 2. IN DEVELOPING THE GENERIC NAME FOR AN  
22 INTENTIONALLY ADDED INGREDIENT OR COMBINATION OF INTENTIONALLY ADDED  
23 INGREDIENTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE  
24 MANUFACTURER SHALL USE THE GENERIC NAME FRAMEWORK PROVIDED BY:

25 A. THE FEDERAL ENVIRONMENTAL PROTECTION  
26 AGENCY GUIDANCE FOR THE TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL  
27 INVENTORY;

28 B. THE EUROPEAN CHEMICALS AGENCY GUIDANCE FOR  
29 ALTERNATIVE CHEMICAL NAMES;

30 C. THE NEW JERSEY TRADE SECRET REGISTRY  
31 NUMBER SYSTEM; OR

32 D. THE CANADIAN HAZARDOUS MATERIALS  
33 INFORMATION REVIEW ACT REGISTRY NUMBER SYSTEM, IF APPLICABLE.

34 (C) (1) A SUPPLIER TO A MANUFACTURER THAT PROTECTS AN  
35 INTENTIONALLY ADDED INGREDIENT, INCLUDING A FRAGRANCE INGREDIENT, OR

1 COMBINATION OF INTENTIONALLY ADDED INGREDIENTS AS CONFIDENTIAL  
2 BUSINESS INFORMATION SHALL FOLLOW THE GUIDELINES SPECIFIED IN  
3 SUBSECTIONS (A) AND (B) OF THIS SECTION.

4 (2) THE MANUFACTURER SHALL USE THE GENERIC NAME PROVIDED  
5 BY THE SUPPLIER.

6 14-4106.

7 AN INTENTIONALLY ADDED INGREDIENT, FRAGRANCE INGREDIENT, OR  
8 NONFUNCTIONAL CONSTITUENT REQUIRED TO BE LISTED ON A PRODUCT LABEL OR  
9 POSTED ON THE MANUFACTURER'S WEBSITE UNDER THIS SUBTITLE, OTHER THAN  
10 AN INGREDIENT FOR WHICH USE OF A GENERIC NAME IS PERMITTED UNDER §  
11 14-4105 OF THIS SUBTITLE, SHALL BE LISTED OR POSTED USING THE CHEMICAL  
12 NAMING PROTOCOLS THAT ARE UNDER ONE OF THE FOLLOWING NOMENCLATURE  
13 SYSTEMS, IN THE ORDER OF PRIORITY IN WHICH THEY ARE LISTED BELOW:

14 (1) THE CONSUMER SPECIALTY PRODUCTS ASSOCIATION  
15 CONSUMER PRODUCT INGREDIENTS DICTIONARY OR THE INTERNATIONAL  
16 NOMENCLATURE OF COSMETIC INGREDIENTS;

17 (2) THE INTERNATIONAL UNION OF PURE AND APPLIED CHEMISTRY  
18 NOMENCLATURE;

19 (3) THE CHEMICAL ABSTRACTS INDEX NAME; AND

20 (4) THE COMMON CHEMICAL NAME.

21 14-4107.

22 (A) A MANUFACTURER THAT IS REQUIRED TO MAKE A REVISION TO  
23 INFORMATION DISCLOSED ON ITS WEBSITE UNDER § 14-4104 OF THIS SUBTITLE DUE  
24 TO A CHANGE IN A DESIGNATED LIST OR IN ANNEX III OF THE EU COSMETICS  
25 REGULATION NO. 1223/2009 AS REQUIRED TO BE LABELED BY THE EU  
26 DETERGENTS REGULATION NO. 648/2004 SHALL MAKE THE REVISION NOT LATER  
27 THAN 6 MONTHS AFTER THE ADOPTION OF THE REVISED LIST BY ITS  
28 AUTHORITATIVE BODY, UNLESS A LATER EFFECTIVE DATE FOR CHANGES IS  
29 IMPOSED BY ITS AUTHORITATIVE BODY.

30 (B) A MANUFACTURER THAT IS REQUIRED TO MAKE A REVISION TO  
31 INFORMATION DISCLOSED ON A PRODUCT LABEL UNDER § 14-4103 OF THIS  
32 SUBTITLE DUE TO A CHANGE IN A DESIGNATED LIST OR IN ANNEX III OF THE EU  
33 COSMETICS REGULATION NO. 1223/2009 AS REQUIRED TO BE LABELED BY THE EU



1 **DETERGENTS REGULATION NO. 648/2004 SHALL MAKE THE REVISION NO LATER**  
2 **THAN 18 MONTHS AFTER THE ADOPTION OF THE REVISED LIST BY ITS**  
3 **AUTHORITATIVE BODY, UNLESS A LATER EFFECTIVE DATE FOR CHANGES IS**  
4 **IMPOSED BY ITS AUTHORITATIVE BODY.**

5 **(C) A MANUFACTURER SHALL MAKE ANY REVISION TO ITS WEBSITE AS A**  
6 **RESULT OF ANY CHANGE IN THE CHEMICAL NAMING PROTOCOLS, AS SPECIFIED**  
7 **UNDER § 14-4106 OF THIS SUBTITLE, WHEN IT REVISES ITS PRODUCT LABEL UNDER**  
8 **SUBSECTION (B) OF THIS SECTION.**

9 **14-4108.**

10 **A VIOLATION OF THIS SUBTITLE:**

11 **(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13**  
12 **OF THIS ARTICLE; AND**

13 **(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
14 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

15 **14-4109.**

16 **THIS SUBTITLE MAY BE CITED AS THE CLEANING PRODUCT RIGHT-TO-KNOW**  
17 **ACT.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
19 **October 1, 2018.**