

Chapter 490

(House Bill 643)

AN ACT concerning

Public Health – Cosmetic Products – Ingredient Prohibition

FOR the purpose of prohibiting, except under certain circumstances, a person from knowingly manufacturing, selling, delivering, holding, or offering for sale in the State a cosmetic product that contains certain ingredients; providing that a person is not in violation of this Act under certain circumstances; defining a certain term; declaring the intent of the General Assembly; providing for a delayed effective date; and generally relating to ingredients in cosmetic products.

BY adding to

Article – Health – General

Section 21–259.2

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

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

Article – Health – General**21–259.2.****(A) IN THIS SECTION:**

(1) “INGREDIENT” MEANS ANY SINGLE CHEMICAL ENTITY OR MIXTURE USED AS A COMPONENT IN THE MANUFACTURE OF A COSMETIC PRODUCT; AND

(2) “INGREDIENT” DOES NOT INCLUDE AN INCIDENTAL INGREDIENT, AS DESCRIBED IN 21 C.F.R. § 701.3(L).

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT KNOWINGLY MANUFACTURE, SELL, DELIVER, HOLD, OR OFFER FOR SALE IN THE STATE A COSMETIC PRODUCT THAT CONTAINS ANY OF THE FOLLOWING INTENTIONALLY ADDED INGREDIENTS:

(1) DIBUTYL PHTHALATE (CAS NO. 84–74–2);

(2) DIETHYLHEXYL PHTHALATE (CAS NO. 117–81–7);

- (3) FORMALDEHYDE (CAS NO. 50-00-0);
- (4) PARAFORMALDEHYDE (CAS NO. 30525-89-4);
- (5) METHYLENE GLYCOL (CAS NO. 463-57-0);
- (6) QUATERNIUM-15 (CAS NO. 51229-78-8);
- (7) MERCURY (CAS NO. 7439-97-6);
- (8) ISOBUTYLPARABEN (CAS NO. 4247-02-3);
- (9) ISOPROPYLPARABEN (CAS NO. 4191-73-5);
- (10) M-PHENYLENEDIAMINE AND ITS SALTS (CAS NO. 108-45-2);
- (11) O-PHENYLENEDIAMINE AND ITS SALTS (CAS NO. 95-54-5); OR
- (12) THE FOLLOWING PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND THEIR SALTS:
 - (I) PERFLUOROCTANE SULFONATE (PFOS) OR HEPTADEC AFLUOROCTANE-1-SULFONIC ACID (CAS NO. 1763-23-1);
 - (II) POTASSIUM PERFLUOROCTANESULFONATE OR POTASSIUM HEPTADEC AFLUOROCTANE-1-SULFONATE (CAS NO. 2795-39-3);
 - (III) DIETHANOLAMINE PERFLUOROCTANE SULFONATE (CAS NO. 70225-14-8);
 - (IV) AMMONIUM PERFLUOROCTANE SULFONATE OR AMMONIUM HEPTADEC AFLUOROCTANESULFONATE (CAS NO. 29081-56-9);
 - (V) LITHIUM PERFLUOROCTANE SULFONATE OR LITHIUM HEPTADEC AFLUOROCTANESULFONATE (CAS NO. 29457-72-5);
 - (VI) PERFLUOROCTANOIC ACID (PFOA) (CAS NO. 335-67-1);
 - (VII) AMMONIUM PENTADEC AFLUOROCTANOATE (CAS NO. 3825-26-1);

- (VIII) NONADEC AFLUORODECANOIC ACID (CAS NO. 335-76-2);
- (IX) AMMONIUM NONADEC AFLUORODECANOATE (CAS NO. 3108-42-7);
- (X) SODIUM NONADEC AFLUORODECANOATE (CAS NO. 3830-45-3);
- (XI) PERFLUORONONANOIC ACID (PFNA) (CAS NO. 375-95-1);
- (XII) SODIUM HEPTADEC AFLUORONONANOATE (CAS NO. 21049-39-8); OR
- (XIII) AMMONIUM PERFLUORONONANOATE (CAS NO. 4149-60-4).

(C) A PERSON IS NOT IN VIOLATION OF THIS SECTION IF THE PERSON MANUFACTURES, SELLS, DELIVERS, HOLDS, OR OFFERS FOR SALE IN THE STATE A COSMETIC PRODUCT THAT:

(1) WAS MANUFACTURED THROUGH A PROCESS INTENDED TO COMPLY WITH THIS SECTION; AND

(2) CONTAINS A TECHNICALLY UNAVOIDABLE TRACE QUANTITY OF AN INGREDIENT LISTED IN SUBSECTION (B) OF THIS SECTION DUE TO:

- (I) AN IMPURITY OF A NATURAL OR SYNTHETIC INGREDIENT;
- (II) THE MANUFACTURING PROCESS;
- (III) STORAGE; OR
- (IV) PACKAGING.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act be construed in a manner that is consistent with the prohibition on the presence of the same intentionally added ingredients in cosmetics enacted by the European Union under European Parliament and Council Regulation No. 1223/2009 and any subsequent amendments.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2025.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.