By: Delegate Palakovich Carr
Introduced and read first time: January 22, 2021
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning Public Health – Cosmetic Products – Ingredient Prohibition

FOR the purpose of prohibiting, except under certain circumstances, a person from 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; 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).

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT 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:

(1) PERFLUOROOCTANE SULFONATE (PFOS) OR HEPTADECAPERFLUOROOCTANE–1–SULFONIC ACID (CAS NO. 1763–23–1);

(II) POTASSIUM PERFLUOROOCTANESULFONATE OR POTASSIUM HEPTADECAPERFLUOROOCTANE–1–SULFONATE (CAS NO. 2795–39–3);

(III) DIETHANOLAMINE PERFLUOROOCTANE SULFONATE (CAS NO. 70225–14–8);

(IV) AMMONIUM PERFLUOROOCTANE SULFONATE OR AMMONIUM HEPTADECAPERFLUOROOCTANESULFONATE (CAS NO. 29081–56–9);
(V) Lithium perfluorooctane sulfonate or lithium heptadecafluorooctanesulfonate (CAS no. 29457–72–5);

(VI) Perfluorooctanoic acid (PFOA) (CAS no. 335–67–1);

(VII) Ammonium pentadecafluorooctanoate (CAS no. 3825–26–1);

(VIII) Nonadecafluorodecanoic acid (CAS no. 335–76–2);

(IX) Ammonium nonadecafluorodecanoate (CAS no. 3108–42–7);

(X) Sodium nonadecafluorodecanoate (CAS no. 3830–45–3);

(XI) Perfluorononanoic acid (PFNA) (CAS no. 375–95–1);

(XII) Sodium heptadecafluorononanoate (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 this Act shall take effect January 1, 2025.