

HOUSE BILL 643

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11r0782

By: **Delegate Palakovich Carr**

Introduced and read first time: January 22, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Cosmetic Products – Ingredient Prohibition**

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

9 BY adding to

10 Article – Health – General

11 Section 21–259.2

12 Annotated Code of Maryland

13 (2019 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **21–259.2.**

18 **(A) IN THIS SECTION:**

19 **(1) “INGREDIENT” MEANS ANY SINGLE CHEMICAL ENTITY OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 MIXTURE USED AS A COMPONENT IN THE MANUFACTURE OF A COSMETIC PRODUCT;
2 AND

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

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

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

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

11 (3) FORMALDEHYDE (CAS NO. 50-00-0);

12 (4) PARAFORMALDEHYDE (CAS NO. 30525-89-4);

13 (5) METHYLENE GLYCOL (CAS NO. 463-57-0);

14 (6) QUATERNIUM-15 (CAS NO. 51229-78-8);

15 (7) MERCURY (CAS NO. 7439-97-6);

16 (8) ISOBUTYLPARABEN (CAS NO. 4247-02-3);

17 (9) ISOPROPYLPARABEN (CAS NO. 4191-73-5);

18 (10) M-PHENYLENEDIAMINE AND ITS SALTS (CAS NO. 108-45-2);

19 (11) O-PHENYLENEDIAMINE AND ITS SALTS (CAS NO. 95-54-5); OR

20 (12) THE FOLLOWING PER- AND POLYFLUOROALKYL SUBSTANCES
21 (PFAS) AND THEIR SALTS:

22 (I) PERFLUOROCTANE SULFONATE (PFOS) OR
23 HEPTADEC AFLUOROCTANE-1-SULFONIC ACID (CAS NO. 1763-23-1);

24 (II) POTASSIUM PERFLUOROCTANESULFONATE OR
25 POTASSIUM HEPTADEC AFLUOROCTANE-1-SULFONATE (CAS NO. 2795-39-3);

26 (III) DIETHANOLAMINE PERFLUOROCTANE SULFONATE (CAS

1 NO. 70225-14-8);

2 (IV) AMMONIUM PERFLUOROOCTANE SULFONATE OR
3 AMMONIUM HEPTADEC AFLUOROOCTANESULFONATE (CAS NO. 29081-56-9);

4 (V) LITHIUM PERFLUOROOCTANE SULFONATE OR LITHIUM
5 HEPTADEC AFLUOROOCTANESULFONATE (CAS NO. 29457-72-5);

6 (VI) PERFLUOROOCTANOIC ACID (PFOA) (CAS NO. 335-67-1);

7 (VII) AMMONIUM PENTADEC AFLUOROOCTANOATE (CAS NO.
8 3825-26-1);

9 (VIII) NONADEC AFLUORODECANOIC ACID (CAS NO. 335-76-2);

10 (IX) AMMONIUM NONADEC AFLUORODECANOATE (CAS NO.
11 3108-42-7);

12 (X) SODIUM NONADEC AFLUORODECANOATE (CAS NO.
13 3830-45-3);

14 (XI) PERFLUORONONANOIC ACID (PFNA) (CAS NO. 375-95-1);

15 (XII) SODIUM HEPTADEC AFLUORONONANOATE (CAS NO.
16 21049-39-8); OR

17 (XIII) AMMONIUM PERFLUORONONANOATE (CAS NO.
18 4149-60-4).

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

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

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

26 (I) AN IMPURITY OF A NATURAL OR SYNTHETIC INGREDIENT;

27 (II) THE MANUFACTURING PROCESS;

1 (III) STORAGE; OR

2 (IV) PACKAGING.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.