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Legislative Document

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H.P. 217

House of Representatives, February 3, 2025

An Act to Enact the Safe Cosmetics Act

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ROBERT B. HUNT

Clerk

Presented by Representative WARREN of Scarborough.
Cosponsored by President DAUGHTRY of Cumberland and
Representatives: ABDI of Lewiston, GRAMLICH of Old Orchard Beach, RANA of Bangor.

o-phenylenediamine; triclosan; triclocarban; or nonylphenol. 2. Exclusion. The distribution, sale or offering for sale of a cosmetic product in this State does not violate the prohibition in subsection 1 if the cosmetic product contains technically unavoidable trace quantity of an ingredient identified in subsection 1 and that trace quantity is present:	Be it	enacted by the People of the State of Maine as follows:
\$3301. Short title This chapter may be known and cited as "the Safe Cosmetics Act." §3302. Definitions As used in this chapter, unless the context otherwise indicates, the following term have the following meanings. 1. Cosmetic product. "Cosmetic product" means an article for retail sale oprofessional use intended to be rubbed, poured, sprinkled or sprayed on, introduced into conterwise applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance. "Cosmetic product" does not include: A. Soap: B. Dietary supplements; or C. Food and drugs regulated by the United States Food and Drug Administration. 2. Ingredient. "Ingredient" means a single chemical entity or mixture used as component in the manufacture of a cosmetic product. "Ingredient" does not include a incidental ingredient as described in 21 Code of Federal Regulations, Section 701.3(1). 3. Intentionally added ingredient. "Intentionally added ingredient" means a ingredient added during the manufacture of a cosmetic product or a component of cosmetic product to provide a specific characteristic, appearance or quality or to perform specific function. 4. Manufacturer. "Manufacturer" means a person whose name appears on the labe of a cosmetic product pursuant to the requirements of 21 Code of Federal Regulations Section 701.12. 83303. Prohibition on sale and distribution of certain cosmetic products. 1. Prohibition. Beginning January 1, 2027, a person may not distribute, sell or offer or sale in this State a cosmetic product containing any of the following intentionally adde ingredients: lead; mercury; dibutyl phthalate; diethylhexyl phthalate; formaldehyde paraformaldehyde; quaternium-15; methylene glycol; m-phenylenediamine, triclosanban; or nonylphenol. 2. Exclusion. The distribution, sale or offering for sale of a cosmetic product contains technically unavoidable trace quantity of an ingredient identified in subsection 1 and that trace quantity is present:	S	ec. 1. 38 MRSA c. 37 is enacted to read:
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- 1 (1) From a natural or synthetic ingredient used in the manufacture of the cosmetic product;
 - (2) From the manufacturing process; or
 - (3) From the storage of the cosmetic product; or
 - B. Due to migration of the ingredient from the packaging of the cosmetic product into the cosmetic product.

§3304. Retailer indemnification

If a cosmetic product delivered to a retailer in the State by the manufacturer is subsequently determined to contain an intentionally added ingredient such that the cosmetic product is prohibited from being distributed, sold or offered for sale in this State under section 3303, the retailer is entitled to a full refund from the manufacturer with respect to that cosmetic product, including shipping and other related costs.

§3305. Rules

The department may adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

16 SUMMARY

This bill enacts the Safe Cosmetics Act, which prohibits, beginning January 1, 2027, the distribution, sale or offering for sale in this State of cosmetic products containing certain intentionally added ingredients, including, but not limited to, lead, mercury or formaldehyde. A person distributing, selling or offering for sale a cosmetic product does not violate the Act if the cosmetic product contains only a technically unavoidable trace quantity of a prohibited ingredient due to impurities from a natural or synthetic ingredient used in the manufacture of the cosmetic product, from the manufacturing process or from storage of the cosmetic product or due to migration of the ingredient from the packaging of the cosmetic product.

When a retailer purchases cosmetic products from a manufacturer and it is later determined that those cosmetic products contain ingredients that prohibit the retailer from distributing, selling or offering the product for sale pursuant to the Act, the retailer is entitled to a full refund from the manufacturer with respect to the product, including shipping and other related costs.