

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1224, L.D. 1908, “An Act to Enact the Safe Cosmetics Act”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. **38 MRSA c. 37** is enacted to read:

**CHAPTER 37**

**SAFE COSMETICS ACT**

**§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 terms have the following meanings.

**1. Cosmetic product.** "Cosmetic product" means an article for retail sale or professional use intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance. "Cosmetic product" does not include soap, dietary supplements or food and prescription drugs approved by the United States Food and Drug Administration.

**2. Ingredient.** "Ingredient" means a single chemical entity or mixture used as a component in the manufacture of a cosmetic product. "Ingredient" does not include an incidental ingredient as described in 21 Code of Federal Regulations, Section 701.3(l).

**3. Intentionally added ingredient.** "Intentionally added ingredient" means an ingredient added during the manufacture of a cosmetic product or a component of a

**COMMITTEE AMENDMENT**

1 cosmetic product to provide a specific characteristic, appearance or quality or to perform a  
2 specific function.

3 **4. Manufacturer.** "Manufacturer" means a person whose name appears on the label  
4 of a cosmetic product pursuant to the requirements of 21 Code of Federal Regulations,  
5 Section 701.12.

6 **§3303. Prohibition on the sale and distribution of certain cosmetic products**

7 **1. Prohibition.** Beginning January 1, 2027, a person may not distribute, sell or offer  
8 for sale in this State a cosmetic product containing any of the following intentionally added  
9 ingredients: lead; mercury; dibutyl phthalate; diethylhexyl phthalate; formaldehyde;  
10 paraformaldehyde; quaternium-15; methylene glycol; m-phenylenediamine;  
11 o-phenylenediamine; triclosan; triclocarban; or nonylphenol.

12 **2. Exclusion.** The distribution, sale or offering for sale of a cosmetic product in this  
13 State does not violate the prohibition in subsection 1 if the cosmetic product contains a  
14 technically unavoidable trace quantity of an ingredient identified in subsection 1 and that  
15 trace quantity is present due to impurities from a natural or synthetic ingredient used in the  
16 manufacture of the cosmetic product, from the manufacturing process or from the storage  
17 of the cosmetic product or due to migration of the ingredient from the packaging of the  
18 cosmetic product into the cosmetic product.

19 **§3304. Retailer indemnification**

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

25 **§3305. Rules**

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

28 **Sec. 2. Appropriations and allocations.** The following appropriations and  
29 allocations are made.

30 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

31 **Maine Environmental Protection Fund 0421**

32 Initiative: Provides funding for one Environmental Specialist III position and one  
33 Environmental Specialist IV position and associated costs.

34 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
35 POSITIONS - LEGISLATIVE COUNT	0.000	2.000
36 Personal Services	\$0	\$202,922
37 All Other	\$0	\$4,338
38		
39 GENERAL FUND TOTAL	\$0	\$207,260

40 **Maine Environmental Protection Fund 0421**

41 Initiative: Provides funding for chemical testing of cosmetics

1	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
2	All Other	\$0	\$10,000
3			
4	GENERAL FUND TOTAL	\$0	\$10,000
5			
6	<b>ENVIRONMENTAL PROTECTION,</b>		
7	<b>DEPARTMENT OF</b>		
8	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
9			
10	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$217,260</b>
11			
12	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$217,260</b>
13			

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 15 number to read consecutively.

16 **SUMMARY**

17 This amendment, which is the majority report of the committee, replaces the bill.  
 18 Beginning January 1, 2027, it prohibits the distribution, sale or offer for sale in this State  
 19 of cosmetic products containing certain intentionally added ingredients, except as a  
 20 technically unavoidable trace quantity due to impurities from a natural or synthetic  
 21 ingredient used in the manufacture of the product, from the manufacturing process, from  
 22 storage of the product or due to migration of the ingredient from the packaging of the  
 23 product into the product. The amendment also adds an appropriations and allocations  
 24 section.

25 **FISCAL NOTE REQUIRED**  
 26 **(See attached)**

***COMMITTEE AMENDMENT***