

HOUSE No. 2108

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to healthy cosmetics..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after
2 section 187H the following sections:-

3 187I. For the purposes of this section and sections 187J and 187 K the following terms
4 shall have the following meanings:-Cosmetic Ingredient Review is a public-private partnership
5 that reviews and assesses the safety of ingredients used in cosmetics in an open, unbiased, and
6 expert manner, and publishes the results in open, peer-reviewed, scientific literature. Cosmetic
7 Ingredient Review is a collaborative effort supported by the U.S. Food and Drug Administration,
8 Consumer Federation of America, and the cosmetic industry.

9 Manufacturer means any entity, including a distributor, whose name appears on the label
10 of a cosmetic product pursuant to the requirements of Section 701.12 of Title 21 of the U.S.
11 Code of Federal Regulations,

12 Unsafe Cosmetic Ingredient means a cosmetic ingredient that has been identified as
13 unsafe at any level for use in a cosmetic product in a report submitted to the U.S. Federal Food
14 and Drug Administration by the Cosmetic Ingredient Review (CIR).

15 187J. Manufacturers who distribute, sell, offer for sale or manufacture for sale cosmetic
16 products shall report to the department of public health on the use of any unsafe cosmetic
17 ingredient in a cosmetic product. If a manufacturer does not manufacture any cosmetic product
18 that contains an unsafe cosmetic ingredient, then no reporting is required to the department of
19 public health.

20 187K. A cosmetic product that contains an ingredient that is identified as an Unsafe
21 Cosmetic Ingredient as defined in this section, shall be deemed to be adulterated or misbranded
22 or both.

23 187L. The Department of Public Health shall report to the General Court on the reports
24 submitted pursuant to section 187J, investigations and enforcement action, and
25 recommendations, if any, together with drafts of legislation necessary to carry its
26 recommendations into effect, by filing the same with the clerk of the House of Representatives
27 on or before January 1, 2011.

28 SECTION 2. For the purposes of section 187J the effective date shall be one year
29 following enactment.

30 SECTION 3. For the purposes of section 187K the effective date shall be two years
31 following enactment.