

**HOUSE . . . . . No. 3783**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brandy Fluker Oakley***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting black girls from targeted toxicity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>1/20/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/22/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>2/22/2023</i>

**HOUSE . . . . . No. 3783**

By Representative Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 3783) of Brandy Fluker Oakley and others relative to the promotion, display or advertising of cosmetic products that contain harmful ingredients. Consumer Protection and Professional Licensure.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act protecting black girls from targeted toxicity.

*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 adding the following  
2 section:-

3 Section 190A. (a) For the purposes of this section, the following terms shall, unless the  
4 context clearly requires otherwise, have the following meanings:

5 “Advertisement”, any oral, written, graphic or pictorial representation made by a seller in  
6 the course of the solicitation of retail business or which encourages a person to purchase a retail  
7 product.

8 “Cosmetic product”, articles that are: (i) intended to be rubbed, poured, sprinkled, or  
9 sprayed on, introduced into, or otherwise applied to the human body or any part thereof for  
10 cleansing, beautifying, promoting attractiveness, or altering the appearance; and (ii) articles  
11 intended for use as a component of any such articles. A cosmetic product shall include products

12 and product ingredients that are manufactured or intended to be used for skin lightening and hair  
13 relaxation.

14 “Harmful ingredients”, chemical components of a product or product component that are  
15 toxic or have otherwise been found to have damaging health effects on the product user,  
16 including mercury, parabens, estrogenic chemicals from placenta, benzophenone,  
17 diethanolamine, nonylphenol, phthalates and talc powder, and other chemicals known to be  
18 endocrine disruptors. Damaging health effects include the increased risk of developing a  
19 deleterious condition in the future.

20 (b) No person shall make, promote or display an advertisement targeted towards children  
21 under the age of 18 for a cosmetic product that contains harmful ingredients.

22 (c) No person shall make, promote or display an advertisement that utilizes the image,  
23 voice or depiction of a child under the age of 18 the purposes of promoting the sale of a cosmetic  
24 product that contains harmful ingredients.

25 (d) A violation of this section shall be punishable by a fine of not less than \$5,000 for the  
26 first violation and not less than \$10,000 for subsequent violations.

27 (e) (1) The attorney general may initiate proceedings relating to a violation of this  
28 section. Such proceedings may include, without limitation, an injunction, a civil penalty and  
29 additional relief in a court of competent jurisdiction.

30 (2) A person harmed by a violation of this section may: (i) bring an action to enjoin the  
31 violation; (ii) bring an action to recover for actual monetary loss from the violation or to receive

32 not more than \$25,000 in damages for the violation, whichever is greater; or (iii) bring both such  
33 actions.

34 (f) The attorney general shall promulgate any regulations necessary to implement this  
35 section.

36 SECTION 2. This act shall take effect 90 days following its passage.