

CONCURRENCE IN SENATE AMENDMENTS

AB 2762 (Muratsuchi, et al.)

As Amended August 20, 2020

Majority vote

SUMMARY:

Prohibits, beginning January 1, 2025, the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product containing specified intentionally added ingredients.

The Senate Amendments:

Move the provisions of the bill to a different section of the Health and Safety Code to remove the oversight of the California Department of Public Health (CDPH).

COMMENTS:

Public health concerns with cosmetics: Cosmetic products are sold to consumers across California, including to children who are still in the formative years of development. These products are used as part of daily beauty and cleansing routines, often times on the skin's most sensitive areas, like the face, eyelids, and lips. Cosmetic products are most heavily used by women, including those of childbearing age, increasing the likelihood of exposing mothers, fetuses, and nursing children to substances that can cause cancer and reproductive toxicity. For these reasons, it is critically important that cosmetic products are safe, properly labeled, and free of contamination.

Cosmetic regulatory requirements: Neither the federal Food and Drug Administration (FDA) nor CDPH require premarket safety testing, review, or approval of cosmetic products. Under both the federal Food, Drug, and Cosmetic Act and the state Sherman Food, Drug and Cosmetic Act, cosmetics and their ingredients are not required to be approved before they are sold to the public, and the FDA does not have the authority to require manufacturers to file health and safety data on cosmetic ingredients or to order a recall of a dangerous cosmetic product.

This bill: AB 2762 bans a list of specified ingredients from cosmetics products consistent with the European Union's (EU) Annex II of regulation No 1223/2009, which lists the substances prohibited in cosmetic products sold in the EU. All of the ingredients listed in this bill have been fully banned in the EU under Annex II.

According to the Author:

"No one knowingly wants to use face powder contaminated with asbestos, lipstick that contains lead, or baby shampoo with formaldehyde. AB 2762 would clarify in statute that cosmetics containing some of the most well-known carcinogens, reproductive toxicants, and endocrine disruptors are adulterated cosmetics, and cannot be sold in the state, protecting Californians against harmful chemicals in cosmetic products they use every day."

Arguments in Support:

The Environmental Working Group and Breast Cancer Prevention Partners, among others, state, "Today, personal care and beauty products (generally termed cosmetics) that are sold in California and the United States are largely unregulated. Manufacturers can use practically any chemical to formulate a cosmetic product, including chemicals with well-established links to cancer, reproductive harm or birth defects ... Californians need and deserve the same protections

from harmful cosmetics provided to people that shop for the exact same products in the European Union and numerous other countries."

Arguments in Opposition:

None on file.

FISCAL COMMENTS:

According to the Senate Appropriations Committee, enactment of this bill would result in unknown costs to CDPH.

VOTES:**ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-2**

YES: Arambula, Bauer-Kahan, Cristina Garcia, Bloom, Mathis, Muratsuchi, Holden

ABS, ABST OR NV: Melendez, Obernolte

ASM APPROPRIATIONS: 17-0-1

YES: Gonzalez, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas, Voepel

ABS, ABST OR NV: Bigelow

ASSEMBLY FLOOR: 73-1-5

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO: Brough

ABS, ABST OR NV: Bigelow, Choi, Frazier, Mayes, Quirk

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Jones

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