
THIRD READING

Bill No: AB 60
Author: Papan (D)
Amended: 9/3/25 in Senate
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-0, 7/2/25
AYES: Blakespear, Gonzalez, Hurtado, Menjivar, Padilla, Pérez
NO VOTE RECORDED: Valladares, Dahle

ASSEMBLY FLOOR: 63-4, 5/5/25 - See last page for vote

SUBJECT: Cosmetic safety

SOURCE: Author

DIGEST: This bill prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of the specified musk-related ingredients, beginning January 1, 2027, and a vaginal suppository containing boric acid, beginning January 1, 2035.

ANALYSIS:

Existing federal law, requires, pursuant to the federal Food, Drug & Cosmetic Act (FD&C Act), cosmetics produced or distributed for retail sale to consumers for their personal care to bear an ingredient declaration. (21 Code of Federal Regulations (CFR) § 701.3)

Existing state law:

- 1) Defines, pursuant to the Sherman Food, Drug, and Cosmetic Law (Sherman Act), “cosmetic” as any article, or its components, intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to, the human body, or any part of the human body, for cleansing, beautifying, promoting attractiveness, or altering the appearance. Provides that the term “cosmetic” does not include soap. Makes it unlawful for any person to

manufacture, sell, deliver, hold, or offer for sale any cosmetic that is adulterated. Makes it unlawful for any person to adulterate any cosmetic. Makes it unlawful for any person to receive in commerce any cosmetic that is adulterated or to deliver or proffer for delivery any such cosmetic. (Health & Safety Code (HSC) § 109900)

- 2) Requires, pursuant to the Safe Consumer Cosmetic Act (Cosmetics Act), a manufacturer of a cosmetic that is subject to regulation by the federal Food and Drug Administration (FDA) to submit to the California Department of Public Health (CDPH) a list of its cosmetic products sold in California that contain any ingredient that is a chemical identified as causing cancer or reproductive toxicity. (HSC § 111792)
- 3) Requires, pursuant to the Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020, a manufacturer of a cosmetic product to disclose to CDPH a list of each fragrance ingredient or flavor ingredient that is included on a designated list (HSC § 111792.6)
- 4) Prohibits, commencing January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of 25 specified intentionally added ingredients. (HSC § 108980 (a))
- 5) Prohibits, commencing January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of 44 specified intentionally added ingredients. (HSC § 108980 (b))

This bill:

- 1) Prohibits, beginning January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale, in commerce any cosmetic product that contains any of the following intentionally added ingredients:
 - a) Musk ambrette (CAS no. 83-66-9);
 - b) Musk tibetene (CAS no. 145-39-1);
 - c) Musk moskene (CAS no. 116-66-5); and
 - d) Musk xylene (CAS no. 81-15-2).

- 2) Prohibits, beginning January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce a cosmetic product that contains more than 1.4% in fine fragrance products, 0.56% in eau de toilette, 0% in oral products, and 0.042% in all other products of musk ketone (CAS no. 81-14-1).
- 3) Defines “oral products” as a cosmetic product that is intended to be applied on teeth or the mucous membranes of the oral cavity.
- 4) Addresses a chaptering conflict by joining in SB 39 (Weber Pierson), which specifies labeling requirements for vaginal suppositories containing intentionally added boric acid, and prohibits the manufacture, sale, delivery, hold, or offer for sale of a vaginal suppository product that contains intentionally added boric acid commencing January 1, 2035, except if the product becomes regulated by the FDA.

Background

- 1) *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. It is important that cosmetic products are safe, properly labeled, and free of contamination.
- 2) *Regulatory requirements for California’s cosmetics.* Prior to 2020, California had two laws governing the safety of cosmetics: The Sherman Act and the Cosmetics Act. These laws focused on the identification and notification of hazardous chemicals in cosmetics and outlawing the tampering of products. The Sherman Act defines cosmetics as any article, or its components, intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to, the human body, or any part of the human body, for cleansing, beautifying, promoting attractiveness, or altering the appearance. The Sherman Act prohibits the manufacture, sale, delivery hold, or offer for sale of any cosmetic that is adulterated and makes it unlawful for any person to adulterate any cosmetic. The law also considers any cosmetic to be adulterated, “if it bears or contains any poisonous or deleterious substance that may render it injurious to users.”

- 3) The Cosmetic Act, established by SB 484 (Migden, Chapter 729, Statutes of 2005), requires the manufacturer, packer, and distributor of cosmetic products to provide the CDPH a list of all cosmetic products that contain any ingredient known or suspected to cause cancer, birth defects, or other reproductive harm. CDPH maintains an active, searchable database with all of the data collected from manufacturers and makes that data available to the public. CDPH does not have any enforcement authority or penalty authority over the manufacturers that are covered, so not all manufacturers are currently complying and submitting their products' information. State law does not currently contain a mechanism that would allow the state to compel these manufacturers to comply. Manufacturers are also required to disclose to CDPH a list of fragrance ingredients within products that are included on specified lists determined by various international agencies.
- 4) *Chemical bans for cosmetics.* Over the past several years, California has shifted its approach to the regulation of cosmetics. Section 108980 of the Health and Safety Code, as established by AB 496 (Friedman, Chapter 441, Statutes of 2023) and AB 2762 (Muratsuchi, Chapter 314, Statutes of 2020), prohibits the manufacture, sale, delivery, holding, or offering for sale in commerce any cosmetic product that contains any of 69 intentionally added ingredients.

This approach is meant to reflect the hazard-based, regulatory framework of the European Union (EU) and leads to the banning of hazardous chemicals in cosmetics. On September 15, 2022, the European Commission published Regulation EU 2022/1531 to amend Cosmetics Regulation (EC) No. 1223/2009 for the use of certain ingredients classified as carcinogenic, mutagenic, or toxic for reproduction (CMR substances) in cosmetic products. These regulations require EU member states to prohibit the marketing of cosmetic products containing these ingredients. The regulation defines “cosmetic product” as “any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odors.” The scope of products covered under the EU's definition of cosmetics is broader than the scope of products covered under California's definition of cosmetics.

The intent of this bill is to be consistent with the approach of the EU's cosmetic regulation. All of the chemicals listed in AB 60 have been fully banned or otherwise restricted in the EU Directive and its Annexes and consequently, the chemicals have already been removed or reduced in cosmetic products sold in the EU.

The chemical bans have been enacted under statutes that have been referred to as “orphan codes” because there is no state agency designated to provide oversight to these provisions of the law. Under orphan codes, there is no direct enforcement, no compliance program, no guidance for manufacturers seeking to comply with these laws, and often no related information for consumers. Additionally, chemical bans without the appropriate scientific assessment may result in the use of regrettable substitutions that may prove more harmful to public health.

- 5) *Department of Toxic Substances Control (DTSC) Safer Consumer Products Program.* The DTSC administers the Safer Consumer Products (SCP, previously known as Green Chemistry) Program, which aims to advance the design, development, and use of products that are chemically safer for people and the environment. DTSC's approach provides science-based criteria and procedures for identifying and evaluating alternatives with the objective of replacing chemicals of concern, known as “Candidate Chemicals”, with safer chemicals and avoiding the use of substitute chemicals that pose equal or greater harm.

Beauty, personal care, and hygiene products, which include cosmetics, has been a category of SCP work plans since 2015 and the work to regulate toxic chemicals in this category is ongoing. After screening research, DTSC will designate a product as a “Priority Product”. A Priority Product contains one or more Candidate Chemicals and that has the potential to contribute to significant adverse impacts on humans or the environment. Manufacturers of a Priority Product must submit an alternatives analysis which determines whether there are any safer alternatives to the Candidate Chemical in the product or if there are other ways to make a safer version of the product. The alternatives analysis takes a life cycle approach, evaluating certain factors and the safety of the product from raw material extraction to disposal/recycling. The outcomes of the alternatives analysis could lead to alternative ingredients or product design or regulatory responses including, but not limited to: requiring the display of product information, chemical restrictions, product prohibitions, or end-of-life management requirements.

- 6) *Nitro musks in cosmetics.* Synthetic nitro musks are fragrant chemicals found in household and personal care products. In fragrances, they are used for their alluring scent and to prolong the quality of the product. Humans are directly exposed to these chemicals through skin absorption, inhalation, and oral consumption of contaminated liquids and foods. Consequently, nitro musks have been found in human blood, breast milk, and body fat. They are also environmentally persistent as they pass through wastewater treatment and enter the environment. Though epidemiologic studies evaluating the effects of nitro musk exposure in humans are lacking, there is evidence that these chemicals may impact hormone levels and are associated with an increased risk of tumor formation in mice.¹ The evidence also suggests that while nitro musks are not genotoxic alone, they may increase the genotoxicity of other chemicals and research outcomes have been species specific. Further research is necessary as current evidence regarding developmental effects, while suggestive of adverse outcomes, are considered conflicting and inconclusive.

Due to bans on nitro musks in several countries, manufacturers have replaced nitro musks with polycyclic musks. However, there are products with nitro musks that are used in the United States are still being produced by China and India. Some experts have suggested the use of the precautionary principle, which encourages caution in decision-making if scientific evidence is lacking, when addressing exposure to nitro musks in products.

- 7) *Risk assessments of nitro musks.* In Australia, the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), recently known as the Australian Industrial Chemicals Introduction Scheme, regulates chemicals that are manufactured or imported into Australia for industrial use and personal care products. In 2019, NICNAS released a risk assessment of nitro musks. The assessment indicated that musk ketone and musk xylene are suspected carcinogens and the main organ impacted by repeated exposure is the liver. However, the conducted hazard and risk assessments demonstrated that musk ketone and musk xylene in cosmetic products are not considered to pose an unreasonable risk to public health.²

¹ Taylor, K. M., et. al. (2014). Human exposure to nitro musks and the evaluation of their potential toxicity: an overview.

² National Industrial Chemicals Notification and Assessment Scheme. (2019). Nitromusks: Human health tier III assessment.

Comments

- 1) *Purpose of this bill.* According to the author, “AB 60 will eliminate and restrict the use of nitro musks in everyday products like perfumes, body washes, and personal care items, thereby reducing Californians' exposure to toxic chemicals. Nitro musks have been known to disrupt the endocrine system. The endocrine system, which governs the body's communication network, is critical to the development and regulation of the reproductive system. Endocrine-disrupting chemicals, such as nitro musks, contribute to an alarming rise in reproductive health issues, including early puberty, endometriosis, and infertility. While the European Union has already banned or heavily regulated these harmful compounds, the U.S. has failed to take similar action, leaving Californians vulnerable to their effects.”

“By aligning California's regulations with stricter EU safety standards, AB 60 will eliminate these unsafe ingredients from personal care products, minimizing Californians' contact with unhealthy substances. California has a responsibility to lead on environmental justice and addressing the toxins in consumer products is a vital first step. AB 60 is essential for a healthier, safer future.”

- 2) *Ensuring safer alternatives.* While addressing toxic chemicals in products through bans may immediately lead to source reduction, thus reducing the potential for harm, it is important to consider whether their replacements present unforeseen risks. Many manufactures have already replaced nitro musks with unregulated polycyclic musks where nitro musks have been restricted or banned. Research has suggested that some polycyclic musks may degrade into other chemicals with high toxicity and persistence, such as formaldehyde, which can cause relatively more harm to the ecological environment and human health.³ There is conflicting evidence that polycyclic musks exhibit toxicity at the hormonal or cellular levels of aquatic organisms. Moreover, more research is needed as there is a lack of data and evaluation on the overall ecological risk and impact to human health.⁴ It is uncertain whether the replacements of nitro musks will cause less harm, and typically there is a lack of transparency surrounding the types of replacements because ingredients tend to list musks as “fragrances”.

³ Dodson, R. E., et. al. (2012). Endocrine disruptors and asthma-associated chemicals in consumer products.

⁴ Liu, J., et. al. (2021). Polycyclic musks in the environment: A review of their concentrations and distribution, ecological effects and behavior, current concerns and future prospects.

DTSC has indicated that they will conduct screening research on fragrances in cosmetics for “Candidate Chemicals” in their 2024-2026 Three-year Priority Product Work Plan as part of SCP. Only musk xylene is listed as a “Candidate Chemical”, so it is possible that could be the only chemical evaluated. Though there is a level of uncertainty on when an assessment and regulatory decision for fragrances in cosmetics may be completed and going through this process would increase the costs associated with implementation, SCP would fully evaluate the safety of alternatives and make a science-based regulatory decision in the interest of public health. Banning certain fragrances may disrupt progress within SCP and increase the use of chemicals with unknown impacts. The Legislature could require DTSC to evaluate other chemicals within fragrances or other products of concern not currently listed as a Candidate Chemical, instead of a chemical ban. If ingredient bans are to be put in place, policies could also require the transparency of any alternatives used to promote additional research.

- 3) *Chaptering conflict.* This bill joins in SB 39 (Weber Pierson), which requires labeling for boric acid vaginal suppositories and bans these products beginning January 1, 2035, except if they become regulated by the FDA. These amendments that incorporate SB 39 remain unchanged and as passed by all policy committees.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 9/2/25)

A Voice for Choice Advocacy
California Environmental Voters (formerly Clcv)
California Health Coalition Advocacy
California Water Association
California Women's Law Center
City of San Mateo
City of Santa Rosa
First 5 San Mateo County
Glendale; City of
Green Policy Initiative
Los Angeles County Sanitation Districts

OPPOSITION: (Verified 9/2/25)

Fragrance Creators Association

ASSEMBLY FLOOR: 63-4, 5/5/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Gallagher, Lackey, Tangipa

NO VOTE RECORDED: Bains, Castillo, Chen, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Macedo, Michelle Rodriguez, Sanchez, Ta

Prepared by: Taylor McKie / E.Q. / (916) 651-4108
9/6/25 10:24:24

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