

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
AB 916 (Lee) – As Amended March 20, 2025

SUBJECT: Safer Soap Act.

SUMMARY: Prohibits, on and after January 1, 2028, a person from manufacturing, selling, delivering, distributing, or offer for sale, consumer hand soap or body wash that contains a prohibited ingredient, namely benzalkonium chloride (BZK), benzethonium chloride (BZT), or chloroxylenol (PCMX). Requires the Department of Toxic Substances Control (DTSC) to enforce the provisions of this bill. Authorizes the Attorney General (AG), on behalf of DTSC, to bring an action in superior court and requires the court to have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this bill. Specifically, **this bill:**

Definitions:

- 1) Defines "body wash" to mean a product that is intended to be used with water, designed for cleansing the human body, and manufactured, sold, or distributed in this state.
- 2) Defines "hand soap" to mean a product that is intended to be used with water, designed for hand washing by consumers, and manufactured, sold, or distributed in this state.
- 3) Defines "prohibited ingredient" to mean any of the following substances:
 - a) Benzalkonium chloride (BZK);
 - b) Benzethonium chloride (BZT); and,
 - c) Chloroxylenol (PCMX).

Prohibition of antibacterial soaps and body washes:

- 4) Prohibits, on and after January 1, 2028, a person from manufacturing, selling, delivering, distributing, or offering for sale into commerce in this state a consumer hand soap or body wash that contains a prohibited ingredient.
- 5) Exempts from the prohibitions in this bill products intended for use in health care facilities, as defined.

Regulation of antibacterial soaps and body washes:

- 6) Requires DTSC to, on or before January 1, 2028, adopt regulations to implement, interpret, enforce, or make specific the provisions of this bill.
- 7) Requires a manufacturer of hand soap or body wash to, on or before July 1, 2028, and in the manner prescribed by DTSC pursuant to the regulations adopted pursuant to this bill, register with DTSC and provide to DTSC all of the following:

- a) The name and a description of each hand soap and body wash that it manufactures;
 - b) The applicable registration charge; and,
 - c) A statement of compliance certifying that each hand soap and body wash that it manufactures is in compliance with the prohibitions in this bill.
- 8) Requires a manufacturer, upon request by DTSC, to provide technical documentation to demonstrate compliance with the provisions of this bill, including, but not limited to, analytical test results.
- 9) Requires DTSC, on or before January 1, 2028, to publish on its internet website a list of accepted testing methods for testing for the presence of prohibited ingredients in hand soap and body wash and appropriate third-party accreditations for laboratories. Authorizes DTSC to update the list of accepted testing methods as necessary.
- 10) Requires that certifications of compliance and analytical tests demonstrating compliance comply with the accepted testing methods published on DTSC's internet website.
- 11) Requires DTSC to specify by regulation the manner for manufacturers to register and the amount of the registration charge. Prohibits the registration charge from exceeding DTSC's actual and reasonable costs of implementing the provisions of this bill.

Enforcement:

- 12) Requires DTSC to issue a notice of violation to a person in violation of the prohibitions in this bill if any of the following occurs:
- a) DTSC's testing or a test result submitted to DTSC pursuant to the provisions of this bill indicates that a hand soap or body wash contains a prohibited ingredient;
 - b) A label on a hand soap or body wash lists a prohibited ingredient as an ingredient; or,
 - c) DTSC finds a violation of the provisions of this bill or of any regulation adopted pursuant to this bill.
- 13) Requires a notice of violation to indicate the nature of the violation and authorizes the violation to do any of the following:
- a) Assess an administrative or civil penalty against a person or entity in violation of the provisions of this bill; or,
 - b) Require compliance with the provisions of this bill, including requiring the person to cease the manufacture, sale, or distribution of a hand soap or body wash in this state.
- 14) Authorizes DTSC to receive reports of alleged violations, including analytical test results, from any person and to verify those alleged reports through its own independent testing, verification, or inspection.

- 15) Provides that specific provisions of Hazardous Waste Control Law in the Health and Safety Code (HSC) do not apply to the provisions of this bill, except specific provisions about enforcement of misdemeanor violations.
- 16) Makes a violation of the provisions of this bill is punishable by an administrative or civil penalty.
- 17) Requires DTSC to determine, on a case-by-case basis, the enforcement mechanism and the amount of any administrative or civil penalty assessed pursuant to the provisions of this bill.
- 18) Requires the minimum amount of an administrative or civil penalty assessed to be \$10,000 for the first and any subsequent violation. Authorizes penalties to be assessed for each violation of a separate provision or, for continuing violations, for each day that the violation continues.
- 19) Authorizes the court, in assessing the amount of a civil penalty for a violation of the provisions of this bill, to consider all of the following:
 - a) The nature and extent of the violation;
 - b) The number of violations and the severity of the violations;
 - c) The economic effect of the penalty on the violator;
 - d) Whether the violator took good faith measures to comply with provisions of this bill and when the measures were taken;
 - e) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole; and,
 - f) Whether there were contributing environmental factors about which a reasonable person knew or should have known.
- 20) Authorizes the AG, on behalf of DTSC, to bring an action in superior court and requires that the court have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of this bill.
- 21) Requires that a proceeding under provisions of this bill conform to specified injunction provisions of the Code of Civil Procedure, except that DTSC is to be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.
- 22) Authorizes the Attorney General to bring actions pursuant to this bill in the name of the people of the state at the request of DTSC.
- 23) Requires that a prevailing plaintiff bringing an action pursuant to this bill be awarded attorney's fees and costs by the court.

Funding:

- 24) Requires that penalties collected pursuant to this bill be deposited in the Safer Soap Act Fund, which is hereby created in the State Treasury, to be used by DTSC, upon appropriation by the Legislature, for the purposes of enactment of this bill.
- 25) Provides that DTSC's duties to initiate, implement, or enforce any requirement of this bill are contingent upon sufficient funds in the Toxic Substances Control Account (TSCA), as determined by the Department of Finance, and an appropriation by the Legislature for the purposes of implementing and enforcing the requirements of this bill.
- 26) Provides that, upon appropriation by the Legislature, if funds in the TSCA are sufficient to finance the development of the regulations and the startup costs of DTSC's activities pursuant to this bill, funds may be used as a loan by DTSC for DTSC to carry out the provisions of this bill until the Safer Soap Act Fund generates revenues sufficient to fund DTSC's reasonable costs of implementing the provisions of this bill and to reimburse any outstanding loans made from the TSCA used to finance the development of the regulations and the startup costs of DTSC's activities pursuant to the provisions of this bill.

Findings:

- 27) Makes legislative findings regarding the safety and effectiveness of antimicrobial chemicals in consumer hand soaps and body washes, including that the use of the antimicrobial chemicals benzalkonium chloride, benzethonium chloride, and chloroxylenol in consumer hand soaps and body washes poses significant risks to human health and the environment.

EXISTING LAW:

Federal Law. Establishes the Federal Food, Drug, and Cosmetic Act, which authorizes the federal Food and Drug Administration (FDA) to oversee and regulate the production, sale, and distribution of food, drugs, medical devices, and cosmetics. Authorizes the FDA to mandate drug manufacturers to submit evidence of new drugs' safety and effectiveness before marketing and distribution to the general public. [Title 21, United States Code § 301, *et seq.*]

State Law

- 1) Prohibits the manufacture or sale of a menstrual product that contains regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. [Health and Safety Code (HSC) § 25258.3]
- 2) Requires DTSC, by January 1, 2029, to adopt regulations to implement, interpret, enforce, or make specific the PFAS prohibition. [HSC § 25258.1]
- 3) Prohibits, on or after January 1, 2026, the manufacture or sale of any juvenile's feeding, sucking, or teething product that contains any form of bisphenol above a limit determined by DTSC. Authorizes DTSC or the Attorney General to enforce this prohibition and authorizes DTSC to adopt regulations to implement, enforce, interpret, or make specific this prohibition. [HSC § 108940]

- 4) Prohibits, beginning January 1, 2025, the manufacture or sale of a cosmetic product containing specified intentionally added ingredients, including the quaternary ammonium compound, Quaternium-15. [HSC § 108980(a)(6)]
- 5) Prohibits, beginning January 1, 2027, the manufacture or sale of a food product for human consumption that contains brominated vegetable oil, potassium bromate, propylparaben, or red dye 3. [HSC § 109025]
- 6) Prohibits, beginning January 1, 2030, the manufacture or sale of intravenous (IV) solution containers made with intentionally added Di(2-ethylhexyl) phthalate (DEHP). Additionally prohibits, beginning January 1, 2035, the manufacture or sale of IV tubing made with intentionally added DEHP. [HSC § 109052]
- 7) Requires State Department of Public Health (DPH), in collaboration with the California Environmental Protection Agency, to establish the California Environmental Contaminant Biomonitoring Program. Requires DPH to utilize biological specimens, as appropriate, to identify designated chemicals that are present in the bodies of Californians. [HSC § 105441]
- 8) Defines "designated chemicals" as those chemicals that are known to, or strongly suspected of, adversely impacting human health or development, based upon scientific, peer-reviewed animal, human, or in vitro studies, and according to certain parameters. [HSC § 105440 (c)]
- 9) Requires DTSC to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered chemicals of concern, as specified. [HSC § 25252]
- 10) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern in consumer products, and their potential alternatives, to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern. [HSC § 25253 (a)]
- 11) Specifies, but does not limit, regulatory responses that DTSC can take following the completion of an alternatives analysis, ranging from no action, to a prohibition of the chemical in the product. [HSC § 25253]

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) **PURPOSE OF THIS BILL.** According to the author, for too long, harmful chemicals have been present in consumer hand soaps and body washes despite mounting scientific evidence that they pose significant risks to public health and the environment. The author continues that companies manufacturing antibacterial soaps have had over eight years to prove that these soaps are safe and effective. Yet, the author contends, they continue to profit while failing to provide evidence that antibacterial soaps are more effective than regular soap and water at preventing illness. The author notes that the Centers for Disease Control (CDC) and Prevention and the Food and Drug Administration (FDA) have acknowledged that these chemicals offer no proven health benefits over regular soap and water. The author states that Californians use these products daily, unaware they may contribute to antimicrobial resistance and long-term health concerns. The author concludes that this bill will prioritize

public health and safety by banning the sale of hand soaps and body washes that contain ineffective and potentially dangerous chemicals.

2) BACKGROUND.

- a) **What makes soap antibacterial?** Antibacterial soaps (sometimes called antimicrobial or antiseptic soaps) contain certain active ingredients not found in plain soaps. Those ingredients are added to many consumer products with the intent of reducing or preventing bacterial infection. For nonprescription drugs, antibacterial products generally have the word “antibacterial” on the label and may contain benzalkonium chloride, benzethonium chloride or chloroxylenol. A Drug Facts label on a soap or body wash is a sign a product contains antibacterial ingredients.
- b) **Are antibacterial cleaning products more effective than regular soap?** According to a 2024 FDA publication titled, *“Skip Antibacterial Soap; Use Plain Soap and Water,”* currently there isn’t sufficient evidence to show that over-the-counter (OTC) antibacterial soaps are better at preventing illness than washing with plain soap and water. The FDA issued a final rule in 2016 under which 19 active ingredients, including triclosan and triclocarban, can no longer be marketed in nonprescription consumer antiseptic wash products. Those products include liquid, foam, and gel hand soaps; bar soaps; and body washes. The FDA made this determination because manufacturers didn’t provide the data necessary to demonstrate that those active ingredients are both safe for daily use over a long period of time and any more effective than plain soap and water in preventing illnesses and the spread of certain infections. The final rule doesn’t apply to benzalkonium chloride, benzethonium chloride and chloroxylenol. Those three active ingredients may be used in currently marketed nonprescription consumer antiseptic wash products. Manufacturers are conducting new studies and submitting new safety and effectiveness data for these three active ingredients. The final rule covers only consumer antibacterial soaps and body washes that are used with water. It does not apply to hand sanitizers, hand wipes or antibacterial soaps used in health-care settings, such as hospitals and nursing homes.
- c) **Concerns about active antibacterial ingredients in consumer products.** Benzalkonium chloride and benzethonium chloride are part of a class of chemicals called quaternary ammonium compounds. According to DTSC’s *“Background Document on Quaternary Ammonium Compounds in Cleaning Products and Beauty, Personal Care, and Hygiene Products,”* benzalkonium chloride and benzethonium chloride are the only QACs authorized for use as antimicrobials in antibacterial soaps and body washes. Exposure to QACs, especially benzylalkyldimethyl ammonium compounds (BAC mixtures), can cause adverse dermal, respiratory, or immune effects in humans. Skin-related issues, such as irritation, sensitization, and dermatitis, have been reported in human studies, particularly with exposure to QACs in personal care products. Work-related asthma has been linked to QAC exposure—especially BAC mixtures. DTSC continues that in a pilot human study, exposure to BAC mixtures was linked to a direct increase in inflammatory response. A growing body of research over the past decade also links certain QACs to reproductive and developmental toxicity, changes to cholesterol and lipid levels, and the failure of cellular mitochondria to function normally.

Chloroxylenol, the third allowable antibacterial active ingredient in cleansing products, is an organohalogen compound. Proponents of the bill argue that most well-studied organohalogens have been found to be harmful to people, ecosystems, and especially to children. According to the United States Environmental Protection Agency (US EPA)'s publication, "*Organohalogen Pollutants and Human Health*," widespread use of organohalogens have led to global environmental contamination, with human exposures occurring through multiple pathways such as direct skin contact, inhalation, drinking water, and food. US EPA states that exposure to these persistent organic pollutants has been implicated in myriad human health effects, including reproductive, neurological, immunological, endocrine, behavioral, and carcinogenic effects in both wildlife and humans. The US EPA argues, "Based on their use pattern and their persistent chemical properties, it can be predicted that human exposure to these compounds will continue. Hence, understanding human health effects and taking preventive measures for such exposures are necessary."

- d) **What does this bill do?** This bill prohibits, on and after January 1, 2028, a person from manufacturing, selling, delivering, distributing, or offering for sale into commerce in this state a consumer hand soap or body wash that contains any of the last three antibacterial active ingredients allowed in these products: benzalkonium chloride, benzethonium chloride, and chloroxylenol. This bill exempts from the prohibitions in this bill antibacterial hand soaps and body washes intended for use in health care facilities, which include hospitals, skilled nursing facilities, intermediate care facilities, congregate living health facilities, correctional treatment centers, and hospice facilities. This bill includes a regulatory and enforcement framework for DTSC to implement the prohibition on the manufacture and sale of antibacterial chemicals in consumer soaps and body washes in the state. Specifically, this bill requires DTSC to, on or before January 1, 2028, adopt regulations to implement, interpret, enforce, or make specific the prohibition. It also requires a manufacturer of hand soap or body wash to, on or before July 1, 2028, and in the manner prescribed by DTSC by regulation, register with DTSC and provide to DTSC specific information regarding their products.

For enforcement, this bill requires DTSC to issue a notice of violation to a person in violation of the prohibitions in this bill under certain circumstances. It also provides that a violation of the prohibition is punishable by an administrative or civil penalty of \$10,000 for the first and any subsequent violation. This bill authorizes penalties to be assessed for each violation of a separate provision or, for continuing violations, for each day that the violation continues. Additionally, this bill authorizes the Attorney General, on behalf of DTSC, to bring an action in superior court.

- 3) **SUPPORT.** Children Now is the sponsor of this bill and states the U.S. Food and Drug Administration (FDA) issued a final rule banning 19 antimicrobials from consumer antiseptic washes, concluding they were neither safe nor effective. Children Now continues that the agency said there was no data to "demonstrate that there is any additional benefit from the use of these active ingredients in consumer antiseptic wash products compared to non-antibacterial soap and water. However, at the request of manufacturers, the FDA deferred rulemaking for one year on the three other antimicrobials used in antibacterial soaps: benzalkonium chloride (BZK), benzethonium chloride (BZT), and chloroxylenol (PCMX). Children Now continues that the FDA has extended this deferral several more times and has still not reached a decision nearly nine years later. Meanwhile, the evidence of the health

hazards linked to these ingredients (including their possible contribution to antimicrobial resistance) has only gotten stronger. Children Now states that the FDA itself has put out public communications discouraging consumers from using antibacterial hand soap due to these concerns (and lack of demonstrated benefit) as recently as December of 2024. Children Now contends that as the FDA fails to take action, consumers continue to buy soaps with these ingredients (advertised as “antibacterial”) thinking they are taking an extra step to protect themselves and their children from viruses and bacteria. In reality, these active ingredients are associated with a wide variety of health harms and can contribute to the rise of antimicrobial resistance. Both the FDA and CDC say that soaps with these chemicals are no more effective in preventing disease than non-antibacterial soap and water and discourages their use due to serious public health and environmental concerns discussed above. Children Now concludes that this bill will safeguard public and ecosystem health and align with our state's leadership in consumer safety.

- 4) **OPPOSITION.** The American Cleaning Institute is opposed to this bill and states, washing one’s hands with soap and water is an easy and effective method for removing germs from the skin, but there are several situations when consumers benefit from the use of antimicrobial products to remain healthy. ACI continues Californians with weakened immune systems depend on antimicrobials to kill bacteria that may remain on the skin after handwashing. ACI continues that consumer antimicrobial products have many applications in the home (such as ensuring home healthcare practitioners have the same hygiene products available to healthcare settings and preventing cross-contamination in food handling at home) as well as in California institutions such as schools, day care centers, and nursing homes. ACI notes that by banning antimicrobial soaps, the food supply chain would be more vulnerable to food borne disease spread. ACI continues that taking away an optional tool with proven effectiveness at fighting bacteria is misguided. ACI notes that DTSC recently initiated its first step in gathering information about the use of these ingredients and will consider a more holistic, and scientifically-sound policy for addressing the chemicals that this bill would ban. ACI contends that without sufficient data, nor a review of the harms that a ban would unleash, the Legislature doesn’t have the complete picture of the policy impacts this bill would have. ACI concludes by stating that banning these ingredients would run counter to federal law that considers these as lawfully marketed drugs and preempted from state regulations.

5) **PREVIOUS LEGISLATION.**

- a) AB 2300 (Wilson) Chapter 562, Statutes of 2024 prohibits, beginning January 1, 2030, the manufacture or sale of intravenous (IV) solution containers made with intentionally DEHP. Additionally prohibits, beginning January 1, 2035, the manufacture or sale of IV tubing made with intentionally added DEHP.
- b) AB 2515 (Papan) Chapter 1008, Statutes of 2024 prohibits the manufacture or sale of a menstrual product that contains regulated PFAS, as defined. Further requires DTSC, by January 1, 2029, to adopt regulations to implement, interpret, enforce, or make specific the PFAS prohibition.
- c) SB 1266 (Limón), Chapter 790, Statutes of 2024, revises the existing prohibition on bisphenol A (BPA) in a juvenile bottle or cup to instead prohibit the manufacture or sale of any juvenile’s feeding, sucking, or teething product that contains any form of

bisphenol above the practical quantitation limit to be determined by DTSC. Authorizes DTSC to enforce the BPA prohibition and to adopt regulations to implement, enforce, interpret, or make specific the BPA prohibition.

- d) AB 347 (Ting), Chapter 932, Statutes of 2024 requires DTSC to enforce and ensure compliance with three existing laws that set limits for PFAS in food packaging, textiles, and juvenile products.
 - e) AB 418 (Gabriel), Chapter 328, Statutes of 2023) prohibits, beginning January 1, 2027, the manufacture or sale of a food product for human consumption that contains brominated vegetable oil, potassium bromate, propylparaben, or red dye 3.
 - f) AB 2762 (Muratsuchi), Chapter 314, Statutes of 2020) prohibits, beginning January 1, 2025, the manufacturing or sale of a cosmetic product containing specified intentionally added ingredients, including the QAC, Quaternium-15.
- 6) **DOUBLE REFERRAL.** This bill is double referred, it passed the Assembly Committee on Environmental Safety and Toxic Materials with a 5-2 vote on March 25, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
 Active San Gabriel Valley
 Alliance of Nurses for Healthy Environments
 American Congress of Obstetricians & Gynecologists - District IX
 Breast Cancer Prevention Partners
 California Black Health Network
 California Nurses for Environmental Health & Justice
 California Product Stewardship Council
 Children Now
 Clean Earth 4 Kids
 Clean Water Action
 Cleaneearth4kids.org
 Facts: Families Advocating for Chemical & Toxics Safety
 GMO Science
 Green Science Policy Institute
 Long Beach Alliance for Clean Energy
 National Product Stewardship Council
 Natural Resources Defense Council (NRDC)
 Nontoxic Neighborhoods
 Physicians for Social Responsibility - San Francisco Bay Area Chapter
 Recolte Energy
 Safer Made
 San Francisco Baykeeper
 Sonoma County Climate Activist Network (SOCOCAN!)
 Sonoma Safe Agriculture Safe Schools (Sonoma Sass)
 Women's Voices for the Earth
 Womens Voices for the Earth

Opposition

American Chemistry Council
American Cleaning Institute
Arxada LLC
California Chamber of Commerce
California Grocers Association
California League of Food Producers
California Manufacturers & Technology Association
California Manufactures & Technology Association
California Restaurant Association
California Retailers Association
California Retailers Association
Consumer Brands Association
Consumer Healthcare Products Association
Household and Commercial Products Association
International Sanitary Supply Association
Personal Care Products Council

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