

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 236 (Weber Pierson) – As Amended June 25, 2025

PROPOSED CONSENT (As Proposed to be Amended)

SENATE VOTE: 38-0

SUBJECT: COSMETICS: CHEMICAL HAIR RELAXERS

KEY ISSUE: SHOULD THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL IDENTIFY ACCEPTED TESTING METHODS IN HAIR RELAXERS, REQUIRE MANUFACTURERS TO REGISTER WITH THE DEPARTMENT, REQUIRE THE DEPARTMENT TO DEVELOP ENFORCEMENT REGULATIONS, AND ESTABLISH A FUND FOR DEPOSIT OF PENALTIES AND FEES?

SYNOPSIS

Hair relaxers – lotions or creams that straighten curly hair – often contain harmful chemicals. According to the author and supporters, the marketing for these potentially dangerous products are targeted to African American women and girls. Therefore, the issue raises questions about racial justice as well as public health. In 2022, a study conducted by the National Institute of Environmental Health Sciences linked the chemicals in these products to a substantially increased risk of cancer, especially uterine, ovarian, and endometrial cancer in women and girls who used them. Since the publication of the study, a number of lawsuits have been filed against manufacturers, several of which have been consolidated into a pending multi-district litigation (MDL) lawsuit.

As the author suggests, both the risks and the lawsuits could be reduced by better regulation and administrative enforcement. Therefore, this bill would require the Department of Toxic Substances Control (DTSC) to identify accepted testing methods in hair relaxer products; reiterate that these products are prohibited under existing law; require manufacturers to register their hair relaxer products with DTSC; and require DTSC to develop regulations and enforce prohibitions against specified chemicals. The bill would also establish the C.U.R.L. Act Fund to receive penalties and fees and support implementation costs.

This bill, to be known as the C.U.R.L. Act, passed off the Senate Floor on a 38-0 vote and recently passed out of the Committee on Environmental Safety and Toxic Materials on consent. The bill is supported by Pan-Ethnic Health Network, The California Black Chamber of Commerce, and environmental justice advocates. There is no registered opposition. The author will take clarifying amendments in this Committee. Those amendments are reflected in the bill summary.

SUMMARY: Requires the Department of Toxic Substances Control (DTSC) to identify testing methods of hair relaxer products, requires manufacturers to register products, requires DTSC to develop and enforce regulations, and creates a fund to support DTSC implementation costs. Specifically, **this bill:**

- 1) Defines "hair relaxer product" to mean a cosmetic product, as defined, that is sold either as an individual component or as a kit with multiple components and designed to straighten curly, coiled, or tightly coiled hair by breaking the disulfide bonds found within a person's hair.
- 2) Requires, on or before January 1, 2030, DTSC to adopt regulations to implement, interpret, and enforce the provisions established by this bill.
- 3) Requires, on or before January 1, 2028, DTSC to identify and publish, and update as necessary, on its internet website appropriate third party accreditations for laboratories and a list of accepted testing methods, to test hair relaxer products for the presence of specified chemicals.
- 4) Provides that hair relaxer products are subject existing prohibition against manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product containing an intentionally added specified ingredient.
- 5) Requires, on or before July 1, 2030, a manufacturer of a hair relaxer product to register with DTSC and provide all of the following information, in a manner prescribed by the department pursuant to regulations adopted under this bill:
 - a) The name and a description of each hair relaxer product;
 - b) The applicable registration fee; and,
 - c) A statement of compliance certifying that each hair relaxer product is in compliance with the provisions of this bill and existing applicable law.
- 6) Authorizes DTSC to request from a manufacturer, and requires a manufacturer to provide, technical documentation, including analytical test results, as specified.
- 7) Authorizes DTSC to identify accepted testing methods, to support enforcement pursuant to this bill.
- 8) Requires DTSC to issue a notice of violation, as specified, if either of the following occurs:
 - a) The manufacturer's technical documentation, including test results, submitted as part of the registration process; DTSC's testing; or DTSC's review of a hair relaxer product's ingredient label indicates that a hair relaxer product contains an intentionally added ingredient for which DTSC has identified accepted testing methods.
 - b) DTSC finds a violation of any rule, regulation, standard, or requirement established pursuant to this bill.
- 9) Authorizes DTSC to receive reports of alleged violations, including analytical test results, from consumers, businesses, research institutions, persons, entities, and not-for-profit entities; requires DTSC to verify alleged reports through its own independent testing, verification, or inspection.

- 10) Makes a violation of this bill punishable by a civil penalty, administrative penalty, or by both a civil and an administrative penalty and enumerates the factors that DTSC or a court may consider in assessing the amount of any penalty.
- 11) Creates, and would require all moneys collected from penalties to be deposited in, the C.U.R.L. Act Fund. The bill would authorize the department to create the C.U.R.L. Act Registration Fee Account within the C.U.R.L. Act Fund and makes DTSC's duty to initiate, implement, or enforce any of these requirements contingent upon sufficient funds, as specified.
- 12) Authorizes the Attorney General, on behalf of DTSC, to bring an action in superior court, as specified.

EXISTING LAW:

- 1) Defines "cosmetic product" to mean an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. (Health and Safety Code Section 108982 (a). Subsequent citations refer to this code.)
- 2) Prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains specified chemicals as intentionally added agreements. (Section 108980 (a)-(b).)
- 3) Provides trace quantities of certain prohibited chemicals shall not cause a cosmetic product to be in violation, if the trace quantity is technically unavoidable and stems from ingredient impurities, the manufacturing process, storage, or migration from packaging. (Section 108980 (c).)
- 4) 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. (Section 25252.)
- 5) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern in consumer products, and potential alternatives, to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern. (Section 25253 (a).)
- 6) 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. (Section 25253.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: According to the author:

This bill strengthens enforcement of existing California law banning toxic chemicals in cosmetics—specifically those commonly found in chemical hair relaxers. Current enforcement relies on self-regulation and consumer-initiated legal action, leaving the potential for harmful legacy products to remain in the market. By requiring that the Department of Toxic Substances Control (DTSC) actively monitors and enforces

compliance, we can ensure that we are not simply relying on consumer complaints or lawsuits for true protection for our California residents.

Numerous studies, including large-scale cohort data from the Sister Study, have linked frequent use of chemical hair relaxers that contain carcinogens and endocrine-disrupting chemicals to significantly increased risks of breast, ovarian, and uterine cancers, as well as reproductive harm. These products are overwhelmingly marketed to and used by Black and Latina women. This, along with existing health disparities, makes it not only a public health issue, but a racial justice one. No community should face higher risks of hormone-related cancers due to exposure to toxic beauty products. By ensuring that banned chemicals are truly removed from these products, this bill seeks to elevate public health, advance equity, and affirm the state's commitment to protect all residents.

The dangers of hair straightening products and the MDL lawsuit. Hair relaxers – lotions or creams that straighten curly hair – often contain harmful chemicals. According to the author and supporters, the marketing for these potentially dangerous products are targeted to African American women and girls. The 2022, “Sister Study,” conducted by the National Institute of Environmental Health Sciences – a division of the National Institutes of Health – linked the chemicals in these products to increased risk of cancer, especially uterine, ovarian, and endometrial cancer. This longitudinal study tracked the use of these products by over 33,000 U.S. women, ages 35-74, over a period of eleven years. The researchers found that women who reported frequent use of hair straightening products, defined as more than four times in the previous year, were more than twice as likely to develop uterine cancer compared to those who did not use the products. The study also showed that more than 60% of those who reported using straighteners in the previous year self-identified as Black women. Given these disparities, dangerous chemicals are not only a matter of public health, but a question of racial justice. (National Institutes of Health, “Hair Straightening Chemicals Associated with Higher Uterine Cancer Risk,” available at <http://www.nih.gov>.)

After the publication of the Sister Study, a number of lawsuits were filed against manufacturers, alleging that the defendants manufactured and sold toxic hair relaxer products that caused plaintiffs to develop cancers and other injuries. In February of 2023, the United States Judicial Panel on Multidistrict Litigation (MDL) consolidated these cases into a single MDL lawsuit, which is still pending. The MDL complaint contains fifteen counts, including negligent and fraudulent misrepresentation, breach of the implied warranty of merchantability, violation of various consumer protection statutes, and wrongful death, among others. The case is still pending. [*In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation* MDL No. 3060, Case No. 23-cv-00818 (2025) U.S. District Court for the Northern District of Illinois.]

As the *New York Times* recently noted, while litigation is ongoing, the federal Food and Administration (FDA), in October of 2023, announced that it would decide by April of 2024 on a proposal to ban the use of formaldehyde, a common ingredient in hair relaxers, citing its link to cancer and other adverse health problems. However, in April of 2024, the FDA missed its own deadline and had not issued the order by the end of 2024. Unfortunately, nothing had been done by the time that President Donald Trump signed an executive order pausing any new federal regulations. (See e.g. “The Disturbing Truth about Hair Relaxers,” *New York Times Magazine*, June 13, 2024; and Michelle Garcia and Berkeley Lovelace, Jr., “Federal regulations paused, halting FDA’s proposed ban on formaldehyde,” NBC News, January 22, 2025.) If a solution is to be had, it will not come from the federal government any time soon.

Regulation of cosmetics under existing federal and state law. Given the pause in federal regulations, a solution may need to come from the states. Existing California law prohibits any person or entity from selling or delivering any cosmetic product that contains certain harmful chemicals. Federal law requires all cosmetics to list active ingredients, whether harmful or not, and imposes certain labeling requirements for cosmetics. While states are preempted by federal law from adopting labeling requirements that are inconsistent with federal law, nothing prevents the state from imposing other kinds of restrictions or regulations, including requiring manufacturers to register with state agencies. For example, California’s “Safe Consumer Cosmetic Act” requires a manufacturer of a cosmetic that is subject to regulation by the federal Food and Drug Administration 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. (Health & Safety Code Section 111792.) Existing law also authorizes the DTSC, in administering the Safer Consumer Products Program to identify chemicals that pose known toxicological and environmental risks (known as “Candidate Chemicals”) and to identify and advance the use of safer alternative products.

DTSC has, in the last five years, issued two reports focused on the problem of hair straightening products. Its 2021 report summarized findings and started “a dialogue with interested stakeholders . . . to inform them of DTSC’s decisions about which hair products containing one or more Candidate Chemicals” should be subject to the Safer Consumer Products regulations. (California DTSC, *Work Plan Implementation: Chemicals in Hair Straightening Products Background Document*, May 2021.) DTSC’s more recent 2024 report focused more specifically on the dangers of formaldehyde in hair straightening products, but its conclusion suggested that the existing statutory framework within California “has limited [the Safe Consumer Products Program] ability to contribute to the regulation of formaldehyde in hair straightening products.” (DTSC, *Decision Document for Hair Straightening Products Containing Formaldehyde*, May 2024.)

The Legislature has attempted to amend the statutory framework to provide for meaningful regulations and enforcement than is provided under the Safe Consumer Products Program, including by banning certain products. For example, in AB 2762 (Muratsuchi) Chap. 314, Stats. 2020 prohibited, beginning January 1, 2025, the manufacture, delivery, or sale of any cosmetic product that contained one of 24 specified ingredients. AB 496 (Friedman) Chap. 441, Stats. 2023, prohibited, beginning January 1, 2027, the manufacture, delivery, or sale of any cosmetics containing one of an additional 41 specified ingredients. The lists include harmful products, including formaldehyde, that are typically added to hair relaxer products.

While existing law already bans (or will ban by January 1, 2027) the dangerous products found in hair relaxers, the existing statutory scheme does not clearly designate any specific entity to enforce these prohibitions. This means that the state must rely on manufacturers’ voluntary compliance with the law or have the Attorney General to exercise its plenary authority, under the California Constitution, to enforce any state law. However, the Attorney General does not have the administrative capacity or expertise to monitor these products, let alone efficiently enforce the unlawful manufacture, delivery, or sale of the products within California. The other enforcement option would be through civil actions brought by persons who are harmed by the products, as evidenced by the MDL case discussed above.

As the author’s statement suggests, both the risks of harm, and perhaps even the lawsuits, could be reduced by better regulation and enforcement. “Current enforcement relies on self-regulation

and consumer-initiated legal action,” the author notes, “leaving the potential for harmful legacy products to remain in the market.” A good starting point, the author believes, would be to identify a responsible agency.

This bill would designate DTSC as that agency and, at least initially, require the agency to focus on the chemicals used in hair relaxers. Specifically, the bill would require DTSC, on or before January 1, 2030, to adopt regulations to implement, interpret, and enforce the bill’s provisions. On or before January 1, 2028, the bill requires DTSC to identify and publish, and update as necessary, on its internet website, accredited laboratories and a list of accepted testing methods. On or before July 1, 2030, the bill would require any manufacturer of a hair relaxer product to register with DTSC and provide specified information about the content of its products. The bill would specify that that hair relaxer products listed in this bill are subject to the existing prohibitions against manufacturing, delivering, or selling any cosmetic product containing specified ingredients. Finally, the bill would also establish the C.U.R.L. Act Fund to receive penalties and fees that would, in turn, support DTSC’s implementation costs.

Proposed amendments. The author will take the following clarifying amendments in this Committee:

- On page 4 lines 22-27 amend Section 108985.3 as follows:

108985.3. Hair relaxer products ~~for which the department has identified accepted testing methods pursuant to Section 108985.2~~ are subject to the prohibition against manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product containing an intentionally added ingredient specified in Chapter 14 (commencing with Section 108980).

- On page 5 starting on line 36 amendment subdivision (b) as follows:

(b) A notice of violation shall **require compliance with Chapter 14 of this part, for the ingredients for which the department has identified accepted testing methods pursuant to Section 108985.2, and this chapter, and** indicate the nature of the violation, and may do either **or both** of the following:

- (1) Assess an administrative or civil penalty against a person or entity in violation of Chapter 14 (commencing with Section 108980), for the ingredients for which the department has identified accepted testing methods pursuant to Section 108985.2, or this chapter.
- (2) Require compliance with Chapter 14 (commencing with Section 108980) for the ingredients for which the department has identified accepted testing methods pursuant to Section 108985.2, and this chapter, **through methods** including requiring the person or entity to cease the manufacture, sale, or distribution of a hair relaxer product in this state.

ARGUMENTS IN SUPPORT: The California Pan-Ethnic Health Network (CPEHN) writes in support of SB 236:

Hair relaxers frequently contain toxic chemicals such as formaldehyde linked to a variety of serious health conditions. Studies have shown that frequent use of chemical hair relaxers which disproportionately affect Black women and children is linked to increased risk of uterine cancer, breast cancer, early puberty, fibroids, infertility, etc.

Despite these risks, the personal care industry continues to market these products aggressively to Black women and children, and other communities of color, often without adequate safety warnings or full transparency.

BIPOC communities have historically borne the brunt of exposure to toxic substances, whether in their homes, neighborhoods, or daily-use consumer products. SB 236 addresses this systemic neglect by regulating and restricting the sale of products that perpetuate this harm.

The California Black Chamber of Commerce writes in support:

Hair relaxers disproportionately used by Black women and children are too often formulated with carcinogens and endocrine-disrupting chemicals that are linked to breast cancer, uterine cancer, reproductive harm, early puberty, fibroids, and infertility. Despite these well-documented health risks, these products remain aggressively marketed to communities of color without adequate safety warnings or regulatory oversight. SB 236 is a much-needed and overdue response to a public health and racial justice issue.

By banning the use of the most dangerous substances, this bill would bring stronger safety regulations to market while empowering the Department of Toxic Substances Control to oversee compliance and take enforcement action. Importantly, the bill prioritizes consumer transparency and reproductive justice, protecting vulnerable populations from long-term exposure to harmful chemicals.

This measure will help close persistent health disparity gaps, particularly those affecting women, children, and communities of color, and ensure our state continues to lead in environmental health and product safety.

REGISTERED SUPPORT / OPPOSITION:

Support

Voice for Choice Advocacy
California Black Chamber of Commerce
California Pan - Ethnic Health Network
Center for Environmental Health
Cleaneearth4kids.org
Environmental Working Group

Opposition

None on file

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334