

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 236 (Weber Pierson) – As Amended July 17, 2025

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| Policy Committee: | Environmental Safety and Toxic Materials | Vote: | 7 - 0 |
| | Judiciary | | 12 - 0 |

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits the manufacture, sale, delivery, holding, or offering for sale hair relaxer products containing certain ingredients and requires the Department of Toxic Substances Control (DTSC) to implement and enforce this prohibition, as provided.

Specifically, this bill, among other things:

- 1) Requires DTSC, by January 1, 2030, to adopt regulations to implement, interpret, enforce, or make specific provisions established by this bill.
- 2) Requires DTSC, by January 1, 2028, to identify and publish on its website, and update as necessary, appropriate third-party accreditations for laboratories and a list of accepted testing methods, to test hair relaxer products (as defined) for the presence of specified intentionally added ingredients. Authorizes DTSC to update this list of ingredients to include additional ingredients, as specified.
- 3) Provides that hair relaxer products 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 of the Health and Safety Code.
- 4) Requires a manufacturer of a hair relaxer product, by July 1, 2030, to register with and provide to DTSC, among other things, the applicable registration fee. Authorizes DTSC to request from a manufacturer, and requires a manufacturer of a hair relaxer product to provide, technical documentation to demonstrate compliance of a hair relaxer product with Chapter 14, as specified. Authorizes DTSC to test hair relaxer products using accepted testing methods to support enforcement, as specified.
- 5) Requires DTSC to issue a notice of violation to a person or entity in violation of Chapter 14 for the ingredients for which the department has identified accepted testing methods pursuant to item 2, above, if specified violations occur. Makes a violation of this bill punishable by a civil penalty, an administrative penalty, or both. Enumerates the factors DTSC or a court may consider in assessing the amount of any penalty. Authorizes the Attorney General, on behalf of DTSC, to bring an action in superior court, as specified.
- 6) Creates, and require all moneys collected from penalties to be deposited in, the C.U.R.L. Act Fund (Fund). Authorizes DTSC to create the C.U.R.L. Act Registration Fee Account

(Account) within the Fund for the deposit of moneys from fees collected pursuant to item 4, above. Provides that upon appropriation, moneys in the Fund, including the Account, shall be available for DTSC's reasonable costs of implementing this bill.

- 7) Provides that DTSC's duties to initiate, implement, or enforce any requirement under 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 this bill.
- 8) Authorizes, as specified, TSCA funds to be used as a loan, to allow DTSC to carry out the provisions established under this bill until the Fund contains revenues sufficient to fund DTSC's reasonable implementation costs, and to reimburse any outstanding loans made from TSCA to finance the development of regulations and startup costs associated with DTSC's activities under this bill.

FISCAL EFFECT:

DTSC will incur costs (TSCA and C.U.R.L Act Fund), likely ranging from the hundreds of thousands to low millions of dollars annually, to develop and implement regulations, compile test methods, establish a registration system, conduct enforcement, and otherwise implement and administer the provisions of this bill.

For its part, DTSC estimates costs of approximately \$5 million (phased in over five years) to hire 14 staff and to cover costs associated with its Environmental Chemistry Lab as well as IT upgrades. Staff workload includes developing regulations, publishing accepted test methods and third-party lab accreditations, project planning, system design, developing and implementing a registration system, and ongoing registration review to determine compliance and initiate enforcement.

DTSC notes it would require a loan from TSCA in the initial years of implementation, which would be repaid with monies in the Fund once sufficient registration fees and penalty revenues are generated. TSCA is supported by the Environmental Fee, which is annually adjusted by the Board of Environmental Safety at a rate sufficient to cover DTSC's operations. DTSC contends this fee would need to be increased by approximately 4%, spread equally across all tiers, to generate sufficient revenues to support the increase in expenditures until the loan is repaid.

COMMENTS:

- 1) **Purpose.** 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.

- 2) **Background.** DTSC's Safer Consumer Products (SCP) regulations establish a science-based process to identify specific products that contain potentially harmful chemicals and to evaluate potential safer alternatives. The SCP statute does not preclude the Legislature from taking legislative action on the use of chemicals in consumer product applications. In fact, since SCP was established, the Legislature has enacted policies on various chemical-product applications, which include a prohibition, under Chapter 14 (established by AB 2762 (Muratsuchi), Chapter 314, Statutes of 2020), on the manufacture and sale of cosmetic products containing certain intentionally added ingredients. AB 496 (Friedman), Chapter 441, Statutes of 2023, added 41 more chemicals to the list.

A number of chemical prohibition laws – including those that established or updated Chapter 14 – are placed in unique sections of the Health and Safety Code, sometimes referred to as the "orphan codes." In these code sections, no state agency is designated to provide oversight of the provisions of the law. As a result, there is no direct enforcement, compliance program, guidance for manufacturers seeking to comply with these laws, related information for consumers, regulations or public guidance documents clarifying the intent of the law, or state entity investigating complaints, testing affected products for compliance, or bringing enforcement actions against violators.

All the chemicals listed in this bill are already banned in cosmetic products under existing state law, but this ban currently lacks any enforcement entity or authority. Similar to AB 347 (Ting), Chapter 932, Statutes of 2024, which established enforcement for orphan code prohibitions on per- and polyfluoroalkyl substances, this bill establishes an enforcement program for nine of the chemicals listed in Chapter 14, for hair relaxer products.

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 [DTSC] 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.

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