

SENATE THIRD READING
SB 236 (Weber Pierson)
As Amended September 02, 2025
Majority vote

SUMMARY

Requires the Department of Toxic Substances Control (DTSC) to identify appropriate third party laboratory accreditations for the testing of hair relaxer products for specified chemicals that are prohibited, under existing law, as intentionally added ingredients in cosmetics; requires DTSC to enforce the prohibition, as provided; establishes the Combating Unsafe ReLaxers (C.U.R.L.) Act Fund (C.U.R.L. Act Fund) for the deposit of penalties, as provided, to support DTSC's implementation and enforcement costs.

Major Provisions

- 1) Defines "hair relaxer product" to mean a cosmetic product, as defined under Chapter 14 of Part 3 of Division 104 of the Health and Safety Code (Chapter 14), that is sold either as an individual component or as a kit with multiple components and designed to permanently 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, enforce, or make specific the provisions established by this bill.
- 3) Requires, on or before January 1, 2028, DTSC to identify and publish on its internet website appropriate third party accreditations for laboratories for the testing of hair relaxer products for the presence of all of the following intentionally added ingredients:
 - a) Formaldehyde (Chemical Abstracts Service number (CAS no.) 50-00-0);
 - b) Isobutylparaben (CAS no. 4247-02-3);
 - c) Isopropylparaben (CAS no. 4191-73-5);
 - d) Cyclohexylamine (CAS no. 108-91-8);
 - e) Cyclotetrasiloxane (CAS no. 556-67-2);
 - f) Diethanolamine perfluorooctane sulfonate (CAS no. 70225-14-8);
 - g) Dibutyl phthalate (CAS no. 84-74-2);
 - h) Diethylhexyl phthalate (CAS no. 117-81-7); and,
 - i) Lily aldehyde (CAS no. 80-54-6).
- 4) Authorizes DTSC to publish and update a list of accepted testing methods, and to update the above list of intentionally added ingredients to include additional ingredients from Chapter 14.

- 5) Requires, on or before July 1, 2030, a manufacturer of a hair relaxer product to provide specified information to DTSC, including the name and a description of each hair relaxer product made by the manufacturer.
- 6) Authorizes DTSC to request, and requires a manufacturer to provide, technical documentation, including analytical test results, to demonstrate compliance with Chapter 14 for the ingredients listed in this bill.
- 7) Authorizes DTSC to test hair relaxer products to support enforcement of this bill.
- 8) Requires DTSC to issue a notice of violation to a person or entity if a hair relaxer product contains an intentionally added ingredient listed in this bill, or if DTSC finds a violation of this bill, as specified.
- 9) Provides that a violation of Chapter 14 for the unlawful manufacturing, selling, delivering, holding, or offering for sale in commerce of a cosmetic product containing any of the ingredients listed in this bill is punishable by a civil penalty, administrative penalty, or by both a civil and an administrative penalty.
- 10) Requires DTSC to determine, as specified, the enforcement mechanism and the amount of any administrative or civil penalty assessed pursuant to this bill; provides that the minimum penalty shall be \$10,000 for the first and any subsequent violation.
- 11) Authorizes the Attorney General, on behalf of DTSC, to bring an action in superior court, as specified.
- 12) Establishes the C.U.R.L. Act Fund in the State Treasury and requires penalties collected pursuant to this bill to be deposited into the C.U.R.L. Act Fund; requires, upon appropriation by the Legislature, moneys in the C.U.R.L. Act Fund to be available for DTSC's reasonable implementation costs.
- 13) Authorizes, as specified, Toxic Substances Control Account (TSCA) funds to be used as a loan, to allow DTSC to carry out the provisions of this bill until the C.U.R.L. Act 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.

COMMENTS

Hair relaxer products and toxic chemical exposures: In 2021, DTSC released "Chemicals in hair straightening products," a background document that summarized DTSC's preliminary findings on hair straightening products. The publication of this document marked the beginning of DTSC's dialogue with interested stakeholders (including manufacturers, civic and nonprofit organizations, and academia), to inform DTSC's decisions about potentially regulating hair straightening products under the Safer Consumer Products Program. Created in 2013, the Safer Consumer Products Program (also known as "Green Chemistry") aims to advance the development, design, and use of products that are chemically safer for people and the environment.

The document includes the following description of DTSC's findings:

"Hair relaxers are chemical treatments designed to permanently straighten highly coiled hair by breaking its disulfide bonds and restructuring them. These products are typically sold as kits consisting of multiple components, including a protective gel, a relaxing cream, a liquid activator, and a neutralizing shampoo...

DTSC is concerned about the potential for adverse impacts from exposure to Candidate Chemicals in hair straightening products. DTSC has evaluated several Candidate Chemicals in these products, including formaldehyde, cyclosiloxanes, parabens, sodium hydroxide, diethanolamine, phthalates, benzophenone-3, and triclosan. Some of these compounds are associated with human health and environmental hazards including respiratory effects, endocrine disruption, developmental and reproductive toxicity, dermal effects, environmental persistence, and bioaccumulation...

Use of hair straightening products in salons and homes has the potential to cause or contribute to adverse impacts from exposure to Candidate Chemicals. A recent study tested three hair relaxer kits and detected 35 different endocrine-disrupting or asthma-associated chemicals. Further, Eberle et al. (2020) found that breast cancer risk increased as the frequency of hair straightener use increased in women who had sisters diagnosed with breast cancer. A higher risk was also evident for hair straightening products applied outside of a professional setting.

Hair salon workers, pregnant women and their fetuses, and children are particularly vulnerable to harm from toxic chemicals. The use of hair straightening products can begin at an early age. A study has observed that girls of African descent may begin using chemical hair straightening products as early as four years old. Moreover, chemicals are more readily absorbed through the scalp compared to other areas of skin. Continuous application of hair straightening products may cause scalp disorders, which in turn could increase likelihood of exposure to a combination of chemicals in these products (e.g., damage to the scalp may leave the skin more permeable for exposure)."

Environmental justice concerns: In its background document, DTSC further states:

"Exposure to harmful chemicals in hair straightening products presents an environmental justice issue. Women of African descent may experience more adverse effects from such exposures, due to higher frequency of use of hair relaxers. Further, low-income communities of color are even more vulnerable, since they frequently encounter multiple environmental and social risk factors and face poorer health outcomes. The presence of endocrine-disrupting chemicals in hair products used by women of African descent has been linked to hormone-related health complications, such as diabetes, obesity, and an earlier start of menstruation."

Chemical bans and the Safer Consumer Products Program: The aim of the Safer Consumer Products Program is to establish a robust and thorough regulatory process rooted in science, to protect consumers from exposure to harmful chemicals. However, it has long been recognized that DTSC does not have the resources to evaluate all, or even a significant percentage of, chemicals in every consumer product application. The permutations of product and chemical combinations are virtually limitless. To that end, the Safer Consumer Products statute does not preclude the Legislature from taking action on the use of chemicals in consumer product applications. When there is credible scientific evidence to support a change in state policy to protect public health, the Legislature can respond to that science more expeditiously than can

DTSC. Since the Safer Consumer Products Program was established, the Legislature has enacted policies on various chemical-product applications, which include a prohibition, under Chapter 14, on the manufacture and sale of cosmetic products containing certain intentionally added ingredients.

The statutes in Chapter 14 were established in 2020 by AB 2762 (Muratsuchi, Chapter 314). In 2023, AB 496 (Friedman, Chapter 441) added another 41 chemicals to the list. For both bills, the aim was to prohibit chemicals in California that had already been banned from cosmetics in the European Union, due to their classification as substances with carcinogenic, mutagenic (i.e., capable of causing genetic mutations), or reproductive toxicity properties.

All of the chemicals included in this bill are prohibited, under Chapter 14, as intentionally added ingredients in cosmetic products (some ingredients were prohibited beginning on January 1, 2025; others will be prohibited beginning on January 1, 2027). Chapter 14 exists in a unique location, sometimes referred to as the "orphan codes," in the Health and Safety Code. These code sections do not designate a state agency to provide oversight of the provisions of the law. As a result, at the time of the writing of this analysis, there is no direct enforcement, compliance program, or guidance for the prohibitions established in Chapter 14.

This bill: All of the chemicals listed in SB 236 are already banned as intentionally added ingredients in cosmetic products under existing state law, but this ban currently lacks any enforcement entity or authority. The lack of oversight and enforcement makes it very difficult to know if the bans are working as intended to protect consumers from exposure to harmful chemicals. By establishing an enforcement program, SB 236 addresses the enforcement issue for hair relaxer products, which contain chemicals that have been associated with human health harms and environmental justice concerns, particularly for persons of African descent.

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 [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."

Arguments in Support

According to the California Black Chamber of Commerce:

"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.

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. We thank Senator Weber Pierson for her leadership on this issue and respectfully urge your 'aye' vote on SB 236."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee,

DTSC will incur costs (TSCA and C.U.R.L Act Fund), likely-in the hundreds of thousands of dollars annually, to develop and implement regulations, compile test methods, conduct enforcement, and otherwise implement and administer the provisions of this bill.

DTSC notes it would require a loan from TSCA in the initial years of implementation, which would be repaid in part with monies in the Fund once sufficient 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. The fee may need to be increased to generate sufficient revenues to support the increase in expenditures until the loan is repaid.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0

YES: Connolly, Ellis, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

UPDATED

VERSION: September 02, 2025

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