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S.267

Introduced by Senators Lyons, Campion, Baruth, McCormack and Ram

Hinsdale

Referred to Committee on

Date:

Subject: Health; public health; chemicals; cosmetic products; athletic turf
fields

Statement of purpose of bill as introduced: This bill proposes to: (1) prohibit
the manufacture, sale, and distribution in Vermont of cosmetic products
containing certain chemicals and chemical classes; and (2) prohibit the
installation of any new athletic turf field containing perfluoroalkyl and
polyfluoroalkyl substances.

An act relating to regulating cosmetic products containing certain chemicals
and chemical classes and prohibiting the installation of athletic turf fields
containing perfluoroalkyl and polyfluoroalkyl substances

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 36 is added to read:

CHAPTER 36. CHEMICALS IN COSMETIC PRODUCTS

§ 1721. DEFINITIONS

As used in this chapter:

1 (1) “Bisphenols” means any member of a class of industrial chemicals
2 that contain two hydroxyphenyl groups. Bisphenols are used primarily in the
3 manufacture of polycarbonate plastic and epoxy resins.

4 (2) “Coal tar compounds” means chemicals in coal tar, including coal
5 tar (CAS 65996-92-1) and carbon black (CAS 1333-86-4).

6 (3) “Cosmetic product” means articles or a component of articles
7 intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
8 otherwise applied to the human body or any part thereof for cleansing,
9 promoting attractiveness, or improving or altering appearance, including those
10 intended for use by professionals. “Cosmetic product” does not mean soap,
11 dietary supplements, or food and drugs approved by the U.S. Food and Drug
12 Administration.

13 (4) “Formaldehyde releasing agent” means a chemical that releases
14 formaldehyde.

15 (5) “Manufacturer” means any person, firm, association, partnership,
16 corporation, organization, joint venture, importer, or domestic distributor of a
17 cosmetic product. As used in this subdivision, “importer” means the owner of
18 the product.

19 (6) “Ortho-phthalates” means any member of the class of organic
20 chemicals that are esters of phthalic acid containing two carbon chains located
21 in the ortho position.

1 (7) “Parabens” means esters of parahydroxybenzoic acid, including
2 methylparaben (99-76-3), ethylparaben, propylparaben (CAS 94-13-3), and
3 butylparaben (CAS 94-26-8).

4 (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a
5 class of fluorinated organic chemicals containing at least one fully fluorinated
6 carbon atom.

7 (9) “Professional” means a person granted a license pursuant to
8 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,
9 manicuring, or esthetics.

10 (10) “Undisclosed synthetic fragrances” means manmade chemicals that
11 serve the function of being fragrances in a cosmetic product and have not been
12 disclosed to the public on a label or on a manufacturer’s website.

13 § 1722. PROHIBITED CHEMICALS IN COSMETIC PRODUCTS

14 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
15 offer for sale, distribute for sale, or distribute for use in this State any cosmetic
16 product that contains any of the following chemicals or chemical classes:

17 (1) Ortho-phthalates;

18 (2) PFAS;

19 (3) Bisphenols;

20 (4) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

21 (5) Arsenic and arsenic compounds (CAS 7440-38-2);

- 1 (6) Ethylene glycol (CAS 107-21-1);
- 2 (7) Methylene glycol (CAS 463-57-0);
- 3 (8) Mercury and mercury compounds (CAS 7439-97-6);
- 4 (9) Styrene (CAS 100-42-5);
- 5 (10) 1, 4-dioxane (CAS 123-91-1);
- 6 (11) Cadmium and cadmium compounds (CAS 7440-43-9);
- 7 (12) Octamethylcyclotetrasiloxane (CAS 556-67-2);
- 8 (13) Decamethylcyclopentasiloxane (CAS 541-02-6);
- 9 (14) Toluene (CAS 108-88-3);
- 10 (15) Parabens;
- 11 (16) Lead and lead compounds (CAS 7439-92-1);
- 12 (17) Asbestos;
- 13 (18) Hydroquinone (CAS 123-31-9);
- 14 (19) 2-Ethyhexyl acrylate (CAS 103-11-7);
- 15 (20) Ethyl acrylate (CAS 140-88-5);
- 16 (21) Aluminum salts;
- 17 (22) Sodium laurel sulfate (CAS 151-21-3);
- 18 (23) Sodium laureth sulfate (CAS 3088-31-1);
- 19 (24) Benzalkonium chloride (CAS 8001-54-5);
- 20 (25) Coal tar compounds;
- 21 (26) Triclosan (CAS 3380-34-5);

- 1 (27) Methylisothiazolinone (CAS 2682-20-4);
2 (28) Methylchloroisothiazolinone (CAS 26172-55-4);
3 (29) m-phenylenediamine and its salts (CAS 108- 42-5);
4 (30) o-phenylenediamine and its salts (CAS 95- 54-5);
5 (31) p-phenylenediamine and its salts (CAS 106- 50-3); and
6 (32) any undisclosed synthetic fragrances not listed in this subsection.

7 (b) A cosmetic product made through manufacturing processes intended to
8 comply with this chapter and containing a technically unavoidable trace
9 quantity of a chemical or chemical class listed in subsection (a) of this section
10 shall not be in violation of this chapter on account of the trace quantity where it
11 is the result of:

- 12 (1) natural or synthetic ingredients;
13 (2) the manufacturing process;
14 (3) storage; or
15 (4) migration from packaging.

16 § 1723. PUBLICLY AVAILABLE INFORMATION

17 A manufacturer of a cosmetic product that is manufactured on or after
18 January 1, 2023 shall have the following information posted on its website for
19 each cosmetic product sold:

1 (1) information that satisfies the labeling requirements pursuant to the
2 federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., and the federal
3 Fair Packaging and Labeling Act, 15 U.S.C. § 1451 et seq.; and

4 (2) a list of chemicals or chemical classes intentionally added to the
5 product if the chemicals or chemical classes are listed as chemicals of high
6 concern to children pursuant to chapter 38A of this title.

7 Sec. 2. COMMUNITY ENGAGEMENT PLAN

8 On or before December 1, 2022, the Department of Health shall develop,
9 adopt, and submit a community engagement plan to the Senate Committee on
10 Health and Welfare and to the House Committee on Human Services related to
11 the enactment of 18 V.S.A. chapter 36. The community engagement plan
12 shall:

13 (1) identify cosmetic products marketed to individuals who are Black,
14 Indigenous, or Persons of Color that contain potentially harmful ingredients;

15 (2) conduct outreach and provide culturally appropriate education
16 concerning harmful ingredients used in cultural and other cosmetic products,
17 prioritizing engagement with vulnerable populations;

18 (3) obtain recommendations for priority chemicals or products to be
19 regulated; and

20 (4) include methods for outreach and communication with those who
21 face barriers to participation, such as language.

1 Sec. 3. 18 V.S.A. chapter 33D is added to read:

2 CHAPTER 33D. PFAS IN ATHLETIC TURF FIELDS

3 § 1696. DEFINITIONS

4 As used in this chapter:

5 (1) “Athletic turf field” means an artificial or synthetic recreation area
6 used for competitive outdoor sports that is owned or operated by a public or
7 private postsecondary education institution that operates in Vermont.

8 (2) “Department” means the Department of Health.

9 (3) “Intentionally added” means the addition of a chemical in a product
10 that serves an intended function in the product component.

11 (4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the
12 same meaning as in section 1661 of this title.

13 § 1697. ATHLETIC TURF FIELDS

14 A manufacturer, supplier, or distributor shall not manufacture, sell, offer for
15 sale, distribute for sale, or distribute for use in this State an athletic turf field to
16 which PFAS have been intentionally added in any amount.

17 § 1698. CERTIFICATE OF COMPLIANCE

18 The Attorney General may request a certificate of compliance from a
19 manufacturer of an athletic turf field. Within 30 days after receipt of the
20 Attorney General’s request for a certificate of compliance, the manufacturer
21 shall:

1 (1) provide the Attorney General with a certificate attesting that the
2 manufacturer's product or products comply with the requirements of this
3 chapter; or

4 (2) notify persons who are selling a product of the manufacturer's in this
5 State that the sale is prohibited because the product does not comply with this
6 chapter and submit to the Attorney General a list of the names and addresses of
7 those persons notified.

8 § 1699. RULEMAKING

9 Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules
10 necessary for the implementation, administration, and enforcement of this
11 chapter.

12 § 1699a. PENALTIES

13 (a) A violation of this chapter shall be deemed a violation of the Consumer
14 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same
15 authority to make rules, conduct civil investigations, enter into assurances of
16 discontinuance, and bring civil actions, and private parties have the same rights
17 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

18 (b) Nothing in this section shall be construed to preclude or supplant any
19 other statutory or common law remedies.

1 Sec. 4. EFFECTIVE DATES

2 This act shall take effect on July 1, 2022, except that Sec. 1 (chemicals in
3 cosmetic products) shall take effect on January 1, 2025.