

# STATE OF NEW YORK

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## IN ASSEMBLY

January 14, 2025

Introduced by M. of A. GLICK, LUNSFORD, ROSENTHAL, COLTON, STECK, SIMONE, SHIMSKY, SIMON, RAMOS, TAYLOR, LEE, KELLES, DINOWITZ, DURSO, GANDOLFO, NOVAKHOV, STERN, JACOBSON, ROZIC, RAJKUMAR, McMAHON, ANDERSON, KIM, BARRETT, SANTABARBARA, EPSTEIN, CLARK, RA, FORREST, BICHOTTE HERMELYN, R. CARROLL, PAULIN, MAMDANI, SEAWRIGHT, SHRESTHA, SLATER, CUNNINGHAM, EACHUS, SAYEGH, GALLAGHER, OTIS, LEVENBERG, K. BROWN, REYES, WOERNER, HUNTER, BENEDETTO, MEEKS, BRONSON, PHEFFER AMATO, MANKTELOW, JENSEN, GALLAHAN, BURDICK, RAGA, LUPARDO, GONZALEZ-ROJAS, WEPRIN, SIMPSON, BORES, BENDETT, DeSTEFANO, HEVESI, BLUMENCRANZ, TAPIA, KAY, GRIFFIN, ROMERO, SCHIAVONI, ALVAREZ, WRIGHT, KASSAY, VALDEZ, LASHER, McDONALD, SOLAGES, MITAYNES, STIRPE -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the regulation of ingredients in personal care products and cosmetics

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "beauty justice act".  
3 § 2. Legislative findings and intent. Thousands of chemicals are used  
4 in cosmetics and personal care products. Some of these chemicals are  
5 associated with asthma, allergies, hormone disruption, neurodevelopmental  
6 problems, infertility, even cancer. Exposure to personal care and  
7 cosmetic products typically begins in infancy, with products such as  
8 baby shampoo, lotion, and diaper cream, and continues throughout their  
9 lifespan. According to the Environmental Working Group, "on average,  
10 women use 12 personal care products a day, exposing themselves to 168

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 chemical ingredients. Men use six, exposing themselves to 85 unique  
2 chemicals."

3 Further, The National Institutes of Health (NIH) conducted an eight-  
4 year study of over 46,000 women who used permanent hair dyes and  
5 straighteners. They found that women of color who regularly used dyes  
6 and straighteners had a 45 percent higher breast cancer risk. White  
7 women faced a 7 percent higher breast cancer risk.

8 European Union countries prohibit (with few exceptions) substances  
9 classified as carcinogenic, mutagenic, or toxic for reproduction in  
10 cosmetic products. The Canadian government regularly updates a Cosmetic  
11 Ingredient Hotlist that includes hundreds of chemicals and contaminants  
12 prohibited and restricted from cosmetics, such as formaldehyde, triclo-  
13 san, and more. Furthermore, over 40 countries including Japan, Cambodia,  
14 and Vietnam, have stricter restrictions on chemicals in personal care  
15 products than does the United States.

16 Moreover, regarding the safety of using personal care products,  
17 the federal Modernization of Cosmetics Regulation Act of 2022 is the  
18 first federal law to significantly update the Food, Drug, and Cosmetic  
19 Act. However, the Act fails to meaningfully restrict the use of harmful  
20 chemicals in personal care/cosmetic products, and explicitly grants  
21 states the ability to enact such restrictions.

22 Therefore, the legislature finds and declares that federal  
23 restrictions of harmful chemicals in personal care and cosmetic products  
24 are inadequate to educate and protect consumers and salon workers, and  
25 that it shall be the policy of the state to restrict chemicals that  
26 may harm the health of New Yorkers during production, use, or disposal  
27 of personal care products and cosmetic products.

28 § 3. Article 37 of the environmental conservation law is amended by  
29 adding a new title 12 to read as follows:

30 TITLE XII

31 BEAUTY JUSTICE ACT

32 Section 37-1201. Definitions.

33 37-1203. Sales prohibition.

34 37-1205. Identification of safer alternatives.

35 37-1207. Regulations.

36 § 37-1201. Definitions.

37 As used in this title, unless the context requires otherwise:

38 1. "Cosmetic product" shall mean a cosmetic product as defined in  
39 section 37-0117 of this article.

40 2. "Intentionally added ingredient" shall mean any element or compound  
41 that a manufacturer has intentionally added to a personal care product,  
42 and which has a functional or technical effect in the finished product,  
43 including, but not limited to, the components of intentionally added  
44 fragrance, flavoring and colorants, and the intentional breakdown  
45 products of an added element or compound that also has a functional or  
46 technical effect on the finished product.

47 3. "Manufacturer" shall mean any person, firm, association, partner-  
48 ship, limited liability company, or corporation which produces,  
49 prepares, formulates, or compounds a personal care product, or whose  
50 brand name is affixed to such product. In the case of a personal care  
51 product imported into the United States, "manufacturer" shall mean the  
52 importer or first domestic distributor of the product if the entity that  
53 manufactures the product or whose brand name is affixed to the product  
54 does not have a presence in the United States.

55 4. "Personal care product" shall mean a personal care product as  
56 defined in section 37-0117 of this article.

1 5. "Restricted substance" shall mean the following:

2 (a) the following heavy metals and any compounds containing the  
3 following heavy metals: arsenic (CAS 7440-38-2), cadmium (CAS  
4 7440-43-9), cadmium compounds, chromium (CAS 7440-47-3), lead (CAS  
5 7439-92-1), lead compounds, and nickel (CAS 7440-02-0);

6 (b) isobutylparaben (CAS 4247-02-3) and isopropylparaben (CAS  
7 4191-73-5);

8 (c) ortho-phthalates and their esters;

9 (d) per- and polyfluoroalkyl substances, as defined in subdivision  
10 seven of section 37-0101 of this article, detected by total organic  
11 fluorine analysis;

12 (e) formaldehyde (CAS 50-00-0) and formaldehyde releasers such as:  
13 paraformaldehyde (CAS 30525-89-4), quaternium-15 (CAS 51229-78-8), and  
14 methylene glycol (CAS 463-57-0), provided that in the case of any  
15 formaldehyde releaser, treatment as a restricted substance shall be  
16 subject to subdivision two of section 37-1203 of this title;

17 (f) benzophenone (CAS 119-61-9);

18 (g) benzene (CAS 71-43-2), ethylene oxide (CAS 75-21-8), toluene (CAS  
19 108-88-3), naphthalene (CAS 91-20-3), nickel (metallic) (CAS 7440-02-0),  
20 styrene (CAS 100-42-5), and xylene (CAS 1330-20-7);

21 (h) asbestos (CAS 1332-21-4);

22 (i) cyclotetrasiloxane (CAS 556-67-2);

23 (j) m-phenylenediamine (CAS 108-45-2) and o-phenylenediamine (CAS  
24 95-54-5);

25 (k) triclosan (CAS 3380-34-5);

26 (l) diethanolamine (CAS 111-42-2);

27 (m) Dibutyl phthalate (CAS 84-72-2);

28 (n) Diethylhexyl phthalate (CAS 117-81-7);

29 (o) Lily aldehyde (CAS 80-54-6);

30 (p) Acetaldehyde (CAS 75-07-0);

31 (q) Cyclohexylamine (CAS 108-91-8);

32 (r) Phytonadione (CAS 84-80-0);

33 (s) Sodium perborate (CAS 15120-21-5);

34 (t) Trichloroacetic acid (CAS 76-03-9);

35 (u) Tricresyl phosphate (CAS 1330-78-5);

36 (v) Vinyl acetate (CAS 108-05-4);

37 (w) 2-Chloracetamide (CAS 79-07-2);

38 (x) Allyl isothiocyanate (CAS 57-06-7);

39 (y) Anthraquinone (CAS 84-65-1);

40 (z) Malachite green (CAS 569-64-2);

41 (aa) Oil from seeds of Laurus nobilis L. (CAS 84603-73-6);

42 (bb) Pyrogallol (CAS 87-66-1);

43 (cc) C.I disperse blue 1 (CAS 2475-45-8);

44 (dd) Trisodium nitrilotriacetate (CAS 5064-31-3);

45 (ee) The following boron substances:

46 (i) Perboric acids:

47 A. Sodium salt (CAS 11138-47-9);

48 B. Sodium salt, monohydrate (CAS 12040-72-1);

49 C. Sodium perborate nonohydrate (CAS 10332-33-9);

50 (ii) Boric acid (CAS 10043-35-3 and 11113-50-1);

51 (iii) Borates, tetraborates, octaborates, and boric acid salts and  
52 esters, including all of the following:

53 A. Disodium octaborate anhydrous (CAS 12008-41-2);

54 B. Disodium octaborate tetrahydrate (CAS 12280-03-4);

55 C. 2-Aminoethanol, monoester with boric acid (CAS 10377-81-8);

56 D. 2-Hydroxypropyl, ammonium dihydrogen orthoborate (CAS 68003-13-4);

- 1 E. Potassium borate, boric acid potassium salt (CAS 12712-38-8);  
2 F. Trioctyldecyl borate;  
3 G. Zinc borate (CAS 1332-07-6);  
4 H. Sodium borate, disodium tetraborate anhydrous; boric acid, sodium  
5 salt (CAS 1330-43-4);  
6 I. Tetraboron disodium heptaoxide, hydrate (CAS 12267-73-1);  
7 J. Orthoboric acid, sodium salt (CAS 13840-56-7);  
8 K. Disodium tetraborate decahydrate; borax decahydrate (CAS  
9 1303-96-4);  
10 L. Disodium tetraborate pentahydrate; borax pentahydrate (CAS  
11 12179-04-3);  
12 (ff) C.I. disperse blue 3 (CAS 2475-46-9);  
13 (gg) Basic green 1 (CAS 633-03-4);  
14 (hh) Basic Blue 7 (CAS 2390-60-5);  
15 (ii) 3(or 5) - ((4-(benzylmethylamino) phenyl) azo) -1, 2 - (or1, 4) -  
16 dimethyl-1H-1, 2, 4-triazolium and its salts (CAS 89959-98-8 and  
17 12221-69-1);  
18 (jj) Basic Violet 4 (CAS 2390-59-2);  
19 (kk) Basic blue 3 (CAS 33203-82-6); and  
20 (ll) Basic blue 9 (CAS 61-73-4).

21 § 37-1203. Sales prohibition.

22 1. Effective January first, two thousand twenty-nine, no person shall  
23 sell or offer for sale in this state a personal care product or cosmetic  
24 product containing: (a) a restricted substance as an intentionally added  
25 ingredient in any amount, or (b) lead (CAS 7439-92-1) or lead compounds  
26 at or above a level that the department shall establish in regulation  
27 that is the lowest level that can feasibly be achieved, provided that  
28 the department shall review such level every five years to determine  
29 whether it should be lowered.

30 2. (a) The department's determinations regarding chemicals that  
31 release formaldehyde, pursuant to paragraph (e) of subdivision seven of  
32 section 37-1201 of this title, shall be adopted by regulation. The  
33 department shall identify a list of chemicals used in cosmetic products  
34 and personal care products that release formaldehyde that may be deemed  
35 restricted substances and subject to the restrictions of subdivision  
36 one of this section. In establishing such list, the department should  
37 consider: (i) estimated prevalence of use; (ii) potential to reduce  
38 disproportionate exposure; and (iii) other information deemed relevant  
39 by the department.

40 (b) The department may identify for restriction an initial set of no  
41 more than ten of the listed chemicals used in personal care products and  
42 cosmetic products that release formaldehyde. Any initial classification  
43 as restricted substances shall take effect one year after the depart-  
44 ment's adoption of regulations required by this subdivision and be  
45 subject to the restrictions of subdivision one of this section.

46 (c) Classification as restricted substances on the remaining listed  
47 chemicals used in personal care products and cosmetic products that  
48 release formaldehyde may take effect two years after the department's  
49 adoption of regulations required by this subdivision and shall be  
50 subject to the restrictions of subdivision one of this section.

51 (d) The department may conduct additional rulemaking activities to  
52 develop supplemental lists of chemicals that release formaldehyde and  
53 adopt additional restrictions necessary to protect the health and safety  
54 of product users.

55 3. (a) No person that sells or offers for sale any personal care prod-  
56 uct or cosmetic product shall be held in violation of this section if

1 they can show that they relied in good faith on the written assurance of  
2 the manufacturer that such personal care product or cosmetic product  
3 meets the requirements of this title. Such written assurance shall take  
4 the form of a certificate of compliance stating that the personal care  
5 product or cosmetic product is in compliance with the requirements of  
6 this title. The certificate of compliance shall be signed by an author-  
7 ized official of the manufacturer.

8 (b) In addition to any other applicable penalties, it shall be a  
9 violation of this section to provide a certificate of compliance as  
10 contemplated by this subdivision when the applicable personal care prod-  
11 uct or cosmetic product does not satisfy the limitations on the presence  
12 of restricted substances set forth in this title.

13 § 37-1205. Identification of safer alternatives.

14 By January first, two thousand twenty-eight, the department, in  
15 consultation with the department of health, shall make use of existing  
16 information to identify and assess the hazards of chemicals or chemical  
17 classes that can provide the same or similar function in personal care  
18 products and cosmetic products as the chemicals or chemical classes  
19 listed in section 37-1201 of this title and that can impact vulnerable  
20 populations. In doing so they may consult with the New York state  
21 pollution prevention institute and the interstate chemicals clearing-  
22 house. The department shall make such information publicly available.

23 § 37-1207. Regulations.

24 Within one year of the effective date of this section, the department  
25 shall adopt rules and regulations necessary for the implementation of  
26 this title. When adopting such rules and regulations, the department  
27 shall consider:

28 (a) relevant research;

29 (b) laws and policies in other states; and

30 (c) input from relevant stakeholders including but not limited to  
31 representatives from independent cosmetologists, small businesses offer-  
32 ing cosmetology services, such as beauty salons, and small manufacturers  
33 of cosmetic products.

34 § 4. Section 71-3703 of the environmental conservation law is amended  
35 by adding a new subdivision 8 to read as follows:

36 8. Any person who violates any of the provisions of, or who fails to  
37 perform any duty imposed by, section 37-1203 of this chapter or any  
38 rule or regulation promulgated pursuant thereto, shall be liable for a  
39 civil penalty not to exceed one thousand dollars for each day during  
40 which such violation continues, and in addition thereto, such  
41 person may be enjoined from continuing such violation. Such person shall  
42 for a second violation be liable to the people of the state for a  
43 civil penalty not to exceed two thousand five hundred dollars for each  
44 day during which such violation continues.

45 § 5. Severability. If any provision of this act, or any application of  
46 any provision of this act, is held to be invalid, or to violate or be  
47 inconsistent with any federal law or regulation, that shall not affect  
48 the validity or effectiveness of any other provision of this act, or of  
49 any other application of any provision of this act, which can be given  
50 effect without that provision or application; and to that end, the  
51 provisions and applications of this act are severable.

52 § 6. This act shall take effect one year after it shall have become a  
53 law. Effective immediately, the addition, amendment and/or repeal of any  
54 rule or regulation necessary for the implementation of this act on its  
55 effective date are authorized to be made and completed on or before such  
56 effective date.