

Assembly Bill No. 2771

Passed the Assembly August 23, 2022

Chief Clerk of the Assembly

Passed the Senate August 22, 2022

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2022, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 108981, 108981.5, and 108982 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2771, Friedman. Cosmetic products: safety.

Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, including specified perfluoroalkyl and polyfluoroalkyl substances (PFAS).

This bill would prohibit, beginning January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances PFAS, as defined.

The people of the State of California do enact as follows:

SECTION 1. Section 108981 is added to the Health and Safety Code, to read:

108981. The Legislature finds and declares all of the following:

(a) Perfluoroalkyl and polyfluoroalkyl substances, a class of chemicals known as “PFAS,” are highly toxic and highly persistent in the environment.

(b) PFAS are referred to as “forever chemicals” because they are extremely resistant to degradation in the natural environment, including the water, the soil, the air, and our bodies, because of their carbon-fluorine bond, one of the strongest bonds known in nature.

(c) PFAS have been linked by scientific, peer-reviewed research to severe health problems, including breast and other cancers, hormone disruption, kidney and liver damage, thyroid disease, developmental harm, and immune system disruption, including interference with vaccines.

(d) PFAS are used to provide stain, grease, and water resistance in a wide variety of consumer products, including food packaging,

cookware, cleaning products, rugs and carpets, home furnishings, household linens, childcare products, and apparel, including outdoor wear and beauty and personal care products.

(e) Because of the widespread use of PFAS, they can be found in water, air, fish, and soil at locations across the nation and the globe. Due to this widespread use, the federal Centers for Disease Control and Prevention’s National Health and Nutrition Examination Survey (NHANES) found PFAS in the blood of 97 percent of Americans, suggesting virtually ubiquitous exposure of Californians to these highly toxic chemicals. This widespread use has also resulted in broad PFAS dispersal in indoor and outdoor environments, including the PFAS contamination of the drinking water of approximately 16 million Californians, particularly in disadvantaged communities, of breast milk, and of indoor and outdoor air.

(f) The European Union has committed in its “Chemicals Strategy for Sustainability Towards a Toxic-Free Environment” to phasing out PFAS unless a specific use is proven essential for society, in part because the costs from exposure to PFAS in Europe have been estimated between fifty-two billion euros (€52,000,000,000) and eighty-four billion euros (€84,000,000,000) per year, or between fifty-eight billion dollars (\$58,000,000,000) and ninety-five billion dollars (\$95,000,000,000).

(g) The Legislature has acted to protect Californians from exposure to PFAS by recently enacting laws to ban firefighting foams, paper-based food packaging, and specified children’s products containing any of the full class of PFAS chemicals. The Legislature has also acted to restrict the total PFAS concentration in products labeled compostable, and in products labeled recyclable. In 2020, the Legislature also acted to ban the use of 13 specified PFAS substances in cosmetic products.

(h) PFAS chemicals have been found in a wide variety of cosmetics and personal care products, including foundation, mascara, lipstick, and various eye and face products.

(i) The Legislature intends to protect the health of Californians and the environment by prohibiting the sale or distribution of any beauty or personal care product containing PFAS chemicals.

SEC. 2. Section 108981.5 is added to the Health and Safety Code, to read:

108981.5. Beginning January 1, 2025, no person or entity shall manufacture, sell, deliver, hold, or offer for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS).

SEC. 3. Section 108982 is added to the Health and Safety Code, to read:

108982. For purposes of this chapter, the following terms have the following definitions:

(a) “Cosmetic product” means 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.

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

(c) “Intentionally added PFAS” means either of the following:

(1) PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product.

(2) PFAS chemicals that are intentional breakdown products of an added chemical.

Approved _____, 2022

Governor