
SECOND SUBSTITUTE SENATE BILL 5703

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Das, Cleveland, Kuderer, Lovelett, Nobles, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman, and C. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to the use of toxic chemicals in cosmetic
2 products; adding a new chapter to Title 70A RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that certain
6 chemicals used in cosmetic products are linked to harmful impacts on
7 health, such as cancer, birth defects, damage to the reproductive
8 system, organ system toxicity, and endocrine disruption. Many of
9 these chemicals have been identified by the state of Washington as
10 high priority chemicals of concern.

11 (2) In order to ensure the safety of cosmetic products and
12 protect Washington citizens from toxic exposures, the legislature
13 intends to prohibit use of toxic chemicals found in cosmetic and
14 personal care products and join other jurisdictions in creating a
15 safer global standard for cosmetic products and bringing more
16 sustainable, safer ingredients to the marketplace.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires
19 otherwise.

1 (1) "Cosmetic product" has the same meaning as the term
2 "cosmetic" as defined in RCW 69.04.011.

3 (2) "Department" means the department of ecology.

4 (3) "Formaldehyde releasing agent" means a chemical that releases
5 formaldehyde as determined by the department.

6 (4) "Manufacturer" has the same meaning as defined in RCW
7 70A.350.010.

8 (5) "Ortho-phthalates" means esters of ortho-phthalic acid.

9 (6) "Perfluoroalkyl and polyfluoroalkyl substances" has the same
10 meaning as defined in RCW 70A.350.010.

11 (7) "Vulnerable populations" has the same meaning as defined in
12 RCW 70A.02.010.

13 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2025, no person
14 may manufacture, knowingly sell, offer for sale, distribute for sale,
15 or distribute for use in this state any cosmetic product that
16 contains any of the following intentionally added chemicals or
17 chemical classes:

18 (a) Ortho-phthalates;

19 (b) Perfluoroalkyl and polyfluoroalkyl substances;

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

21 (d) Methylene glycol (CAS 463-57-0);

22 (e) Mercury and mercury compounds (CAS 7439-97-6);

23 (f) Triclosan (CAS 3380-34-5);

24 (g) m-phenylenediamine and its salts (CAS 108-45-2); and

25 (h) o-phenylenediamine and its salts (CAS 95-54-5).

26 (2) Beginning January 1, 2025, no person may manufacture,
27 knowingly sell, offer for sale, distribute for sale, or distribute
28 for use in this state any cosmetic product that contains lead or lead
29 compounds (CAS 7439-92-1) at ten parts per million (ppm) or above, or
30 as otherwise determined by the department through rule making.

31 (3) In-state retailers in possession of cosmetic products on the
32 date that restrictions on the sale of the products become effective
33 under this section may exhaust their existing stock through sales to
34 the public until January 1, 2026.

35 (4) (a) By December 1, 2022, the department in consultation with
36 the department of health must create and adopt a community engagement
37 plan to: (i) Test cosmetic products marketed, including internet
38 sales, to women of color and identify potentially harmful chemicals
39 or chemical classes contained in or added to the product; (ii) seek

1 information through outreach and provide culturally appropriate
2 education concerning identified chemicals or chemical classes
3 contained in or added to cultural and other cosmetic products,
4 prioritizing engagement with vulnerable populations; and (iii)
5 determine priority products and priority chemicals to be regulated in
6 accordance with chapter 70A.350 RCW and whether additional regulation
7 is needed to address chemicals or chemical classes contained in or
8 added to cosmetic products.

9 (b) The plan must include methods for outreach and communication
10 with those who face barriers to participation, such as language or
11 otherwise.

12 (5) For the purposes of this section, cosmetic products do not
13 include prescription drugs approved by the United States food and
14 drug administration.

15 NEW SECTION. **Sec. 4.** (1) A manufacturer violating a requirement
16 of this chapter, a rule adopted under this chapter, or an order
17 issued under this chapter, is subject to a civil penalty not to
18 exceed \$5,000 for each violation in the case of a first offense.
19 Manufacturers who are repeat violators are subject to a civil penalty
20 not to exceed \$10,000 for each repeat offense.

21 (2) Any penalty provided for in this section, and any order
22 issued by the department under this chapter, may be appealed to the
23 pollution control hearings board.

24 (3) All penalties collected under this chapter shall be deposited
25 in the model toxics control operating account created in RCW
26 70A.305.180.

27 NEW SECTION. **Sec. 5.** This chapter may be known and cited as the
28 toxic-free cosmetics act.

29 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
30 constitute a new chapter in Title 70A RCW.

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