

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40389-NM-29

Short Title: Safe Cosmetics Act.

(Public)

Sponsors: Representative Belk.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE DISTRIBUTION OR SALE OF A COSMETIC PRODUCT
CONTAINING CERTAIN RESTRICTED SUBSTANCES AS AN INTENTIONALLY
ADDED CHEMICAL IN ANY AMOUNT, INCLUDING AS A NONFUNCTIONAL
BY-PRODUCT OR A NONFUNCTIONAL CONTAMINANT ABOVE THE PRACTICAL
QUANTIFICATION LIMIT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Subdivision (14b) of G.S. 106-121 is recodified as subdivision (14c)
of that section.

SECTION 1.(b) G.S. 106-121, as amended by subsection (a) of this section, reads
as rewritten:

"§ 106-121. Definitions and general consideration.

For the purpose of this Article:

...

(4b) The term "cosmetic product" means a cosmetic for retail sale or professional use.

...

(9a) The term "intentionally added chemical" means a chemical added during the manufacturing of a product or product component to provide a specific characteristic, appearance, or quality or to perform a specific function.

...

(11b) The term "manufacturer" means a person that manufactures a final consumer product or whose brand name is affixed to the consumer product. In the case of a consumer product that is imported into the United States, "manufacturer" includes the importer or first domestic distributor of the consumer product if the person that manufactured or assembled the consumer product or whose brand name is affixed to the consumer product does not have a presence in the United States.

...

(12b) The term "nonfunctional by-product" means an element or compound that has no functional or technical effect in the finished product and that:

a. Was intentionally added during the manufacturing process for a cosmetic product at any point in the supply chain for a product, a raw material, or an ingredient; or

b. Was created or formed during the manufacturing process at any point in the supply chain for a product, a raw material, or an ingredient.



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"Nonfunctional by-product" includes, but is not limited to, an unreacted raw material, a breakdown product of an intentionally added chemical, or a by-product of the manufacturing process.

(12c) The term "nonfunctional contaminant" means an element or compound present in a cosmetic product as an unintentional consequence of manufacturing that has no functional or technical effect in the finished product. "Nonfunctional contaminant" includes, but is not limited to, elements or compounds present in the environment as contaminants that were introduced into a product, a raw material, or a product ingredient as a result of the use of an environmental medium, such as a naturally occurring mineral, air, soil, or water, in the manufacturing process at any point in the supply chain for a product's, a raw material's, or an ingredient's supply chain.

...
(14b) The term "practical quantification limit" means the lowest concentration of a chemical that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions.

...
(14g) The term "restricted substance" means any of the following:

- a. Perfluoroalkyl and polyfluoroalkyl substances (PFAS), including any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- b. Heavy metals and heavy metal-containing compounds, including arsenic, cadmium, cadmium compounds, chromium, lead, lead compounds, nickel, and selenium.
- c. Parabens, including butylparaben, ethylparaben, isobutylparaben, isopropylparaben, methylparaben, and propylparaben.
- d. Ortho-phthalates and their esters, including dibutyl phthalate, dicyclohexyl phthalate, hexyl phthalate, diisobutyl phthalate, diisodecyl phthalate, diisononyl phthalate, diisooctyl phthalate, diethylhexyl phthalate, diethyl phthalate, and benzyl butyl phthalate.
- e. Formaldehyde and formaldehyde releasers, including formaldehyde, paraformaldehyde, quaternium-15, diazolidinyl urea, DMDM hydantoin, methylene glycol, imidazolidinyl urea, and sodium hydroxymethylglycinate.
- f. Benzophenones, including benzophenone, benzophenone-1, benzophenone-2, benzophenone-3, dihydroxybenzophenone, resbenzophenone, and oxybenzone.
- g. Known carcinogens, including benzene, carbon black, coal tar, ethylene oxide, toluene, naphthalene, metallic nickel, styrene, and xylene.
- h. Asbestos and asbestos-containing compounds, including talc.
- i. Butylated compounds, including butylated hydroxytoluene and butylated hydroxyanisole.
- j. Siloxanes, including cyclotetrasiloxane, cyclopentasiloxane, octamethylcyclotetrasiloxane, and cyclosiloxanes.
- k. Phenylenediamines, including m-phenylenediamine, o-phenylenediamine, and p-phenylenediamine; triclosan; triclocarban; and nonylphenol.
- l. Nitrosamine and nitrosamine releasers, including diethanolamine and triethanolamine.

...."

SECTION 2. G.S. 106-132 reads as rewritten:

"§ 106-132. Additives, etc., deemed unsafe.

Any added poisonous or added deleterious substance, any food additive, any pesticide chemical in or on a raw agricultural commodity or any color additive, shall with respect to any particular use or intended use be deemed unsafe for the purpose of application of G.S. 106-129(1), paragraphs b and g and 106-129(4) with respect to any food, 106-133(1) with respect to any drug or device, or ~~106-136(1) and (5)~~ 106-136(1), (5), and (6) with respect to any cosmetic, unless there is in effect a regulation pursuant to G.S. 106-139 of this Article limiting the quantity of substance, and the use or intended use of such substance conforms to the terms prescribed by such regulation. While such regulations relating to such substance are in effect, a food, drug, or cosmetic shall not, by reason of bearing or containing such substance in accordance with the regulations be considered adulterated within the meaning of G.S. 106-129(1)a, 106-133(1) and 106-136(1)."

SECTION 3. G.S. 106-136 reads as rewritten:

"§ 106-136. Cosmetics deemed adulterated.

A cosmetic shall be deemed to be adulterated:

...

(6) If it contains a restricted substance as an intentionally added chemical in any amount, including as a nonfunctional by-product or a nonfunctional contaminant above the practical quantification limit. The practical quantification limit must be based on scientifically defensible, standard analytical methods. The practical quantification limit for a given restricted substance may be different depending on the analytical method used."

SECTION 4. Article 12 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 106-141.2. Certificate of compliance for cosmetic products.

(a) If the Board of Agriculture has reason to believe that a cosmetic product contains a restricted substance as an intentionally added chemical and is being offered for sale in violation of this article, the Board may issue a notice to the manufacturer of the cosmetic product to provide the Board with a certificate of compliance attesting that the cosmetic product does not contain a restricted substance as an intentionally added chemical no later than 30 days after the date of the notice.

(b) A manufacturer that does not provide a certificate of compliance shall notify persons that sell that cosmetic product in this State that the sale of that cosmetic product is prohibited in this State and provide the Board of Agriculture with a list of the names and addresses of those notified no later than 30 days after the date of the notice."

SECTION 5. This act becomes effective January 1, 2026.