

RCW 70A.560.020 Prohibiting the sale of cosmetic products

containing certain added chemicals—Department's duties. (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

- (a) Ortho-phthalates;
- (b) Perfluoroalkyl and polyfluoroalkyl substances;
- (c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;
- (d) Methylene glycol (CAS 463-57-0);
- (e) Mercury and mercury compounds (CAS 7439-97-6);
- (f) Triclosan (CAS 3380-34-5);
- (g) m-phenylenediamine and its salts (CAS 108-45-2); and
- (h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains intentionally added lead or lead compounds (CAS 7439-92-1), lead or lead compounds at one part per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) By June 1, 2024, the department, in consultation with the department of health, must use existing information to identify and assess the hazards of chemicals or chemical classes that can provide the same or similar function in cosmetic products as the chemicals or chemical classes listed in subsection (1) of this section and that can impact vulnerable populations. The department must make the information publicly available.

(5) (a) By May 2024, the department shall implement an initiative to support small businesses that manufacture cosmetic products in efforts to obtain voluntary environmental health certifications for cosmetics implemented by the United States environmental protection agency or other programs, as determined by the department, that are designed to identify cosmetic products that do not contain identified hazards consistent with processes used to identify safer alternatives under chapter 70A.350 RCW.

- (b) The initiative may include, but is not limited to, providing:
- (i) Technical assistance and support;
 - (ii) Resources for chemical hazard assessments; and
 - (iii) Resources for reformulating products.

(6) (a) By May 2024, the department shall implement an initiative to support independent cosmetologists and small businesses that provide cosmetology services, such as beauty salons, in efforts to transition to using safer cosmetic products.

- (b) The initiative may include, but is not limited to, providing:
- (i) Technical assistance and support;
 - (ii) Resources for identifying safer cosmetic products; and
 - (iii) Resources for financial incentives to eligible participants

to replace cosmetic products containing toxic chemicals, disposal programs, and the use of safer products.

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

(b) The chemicals in subsection (1) of this section are restricted in cosmetics regardless of whether the product also contains drug ingredients regulated by the United States food and drug administration. For purposes of this section, ingredients regulated as drugs by the United States food and drug administration are not subject to the restrictions established in this section. [2023 c 455 § 3.]