

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 705

Short Title: Disclosure of Cosmetics Ingredients. (Public)

Sponsors: Representatives Belk, White, Ball, and Harrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT COSMETICS MANUFACTURERS DISCLOSE ON MANUFACTURER WEB SITES THE FULL LIST OF INGREDIENTS, INCLUDING THE COMPONENT INGREDIENTS OF FRAGRANCES, FLAVORS, AND COLOR ADDITIVES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-137.1. Disclosure of cosmetics ingredients.

(a) The following disclosure requirements apply to cosmetics manufactured, distributed, or offered for retail sale in this State:

(1) Any cosmetic manufacturer shall disclose on the manufacturer's Internet Web site the full list of ingredients in the product, including the component ingredients of fragrances, flavors, and color additives.

(2) The Chemical Abstract Service Registry Number (CAS RN) of each ingredient shall be included on the ingredient disclosure provided on the Web site.

(3) The Web site disclosure shall list ingredients in descending order of predominance, except that an ingredient present at a concentration of not more than one percent (1%) may be listed without respect to order of predominance.

(4) The Web site disclosure is not required to include the concentration of an ingredient in the product.

(b) Any manufacturer violating any provision of this section is subject to civil penalties pursuant to G.S. 160-124.1.

(c) Violation of the provisions of this section does not constitute misbranding for the purposes of this Article."

SECTION 2.(a) Until the effective date of the revised permanent rule that the Board is required to adopt pursuant to subsection (c) of this section, the Board shall implement 02 NCAC 09B .0116(o)(145), as provided in subsection (b) of this section.

SECTION 2.(b) Notwithstanding 02 NCAC 09B .0116(o)(145), the Commissioner shall require cosmetics manufacturers to disclose component ingredients on manufacturer Web sites as directed by G.S. 160-137.1, as enacted by Section 1 of this act.

SECTION 2.(c) The Board shall adopt rules to amend 02 NCAC 09B .0116(o)(145) consistent with subsection (b) of this section.



1 **SECTION 2.(d)** This section is effective when it becomes law.

2 **SECTION 3.** G.S. 106-124 is amended by adding a new subsection to read:

3 "**§ 106-124. Violations made misdemeanor.**

4 (a) Any person, firm or corporation violating any provision of this Article, or any
5 regulation of the Board adopted pursuant to this Article, shall be guilty of a Class 2 misdemeanor.
6 In addition, if any person continues to violate or further violates any provision of this Article
7 after written notice from the Commissioner, or his duly designated agent, the court may
8 determine that each day during which the violation continued or is repeated constitutes a separate
9 violation subject to the foregoing penalties.

10 (b) No person shall be subject to the penalties of subsection (a) of this section, for having
11 violated G.S. 106-122, subdivision (1) or (3) if he establishes a guaranty or undertaking signed
12 by, and containing the name and address of, the person residing in the State of North Carolina
13 from whom he received in good faith the article, to the effect that such article is not adulterated
14 or misbranded within the meaning of this Article, designating this article.

15 (b1) No person shall be subject to the penalties of subsection (a) of this section for having
16 violated G.S. 106-137.1.

17 "

18 **SECTION 4.** Except as otherwise provided, this act becomes effective July 1, 2020.