

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

SB 236 (Weber Pierson) – As Amended June 25, 2025

SENATE VOTE: 38-0

SUBJECT: Cosmetics: chemical hair relaxers

SUMMARY: Requires the Department of Toxic Substances Control (DTSC) to identify accepted testing methods in hair relaxer products, for specified chemicals that are prohibited under existing law; requires manufacturers to register their hair relaxer products with DTSC; requires DTSC to enforce the prohibitions for the specified chemicals, as provided; establishes the C.U.R.L. Act Fund (Fund) for the deposit of penalties and fees, as provided, to support DTSC's implementation costs. Specifically, **this bill:**

- 1) Defines "department" to mean DTSC.
- 2) Defines "hair relaxer product" to mean a cosmetic product, as defined under Chapter 14 of Part 3 of Division 104 of the Health and Safety Code (Chapter 14), that is sold either as an individual component or as a kit with multiple components and designed to straighten curly, coiled, or tightly coiled hair by breaking the disulfide bonds found within a person's hair.
- 3) Requires, on or before January 1, 2030, DTSC to adopt regulations to implement, interpret, enforce, or make specific the provisions established by this bill.
- 4) Requires, on or before January 1, 2028, DTSC to identify and publish on its internet website appropriate third party accreditations for laboratories and a list of accepted testing methods, to test hair relaxer products for the presence of all of the following intentionally added ingredients:
 - a) Formaldehyde (Chemical Abstracts Service number (CAS no.) 50-00-0);
 - b) Isobutylparaben (CAS no. 4247-02-3);
 - c) Isopropylparaben (CAS no. 4191-73-5);
 - d) Cyclohexylamine (CAS no. 108-91-8);
 - e) Cyclotetrasiloxane (CAS no. 556-67-2);
 - f) Diethanolamine perfluorooctane sulfonate (CAS no. 70225-14-8);
 - g) Dibutyl phthalate (CAS no. 84-74-2);
 - h) Diethylhexyl phthalate (CAS no. 117-81-7); and,
 - i) Lily aldehyde (CAS no. 80-54-6).

- 5) Authorizes DTSC to update the list of accepted testing methods, as necessary, and to update the above list of intentionally added ingredients to include additional ingredients from Chapter 14.
- 6) Provides that hair relaxer products for which DTSC has identified accepted testing methods, pursuant to this bill, are subject to an existing prohibition against manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product containing an intentionally added ingredient specified in Chapter 14.
- 7) Requires, on or before July 1, 2030, a manufacturer of a hair relaxer product to register with DTSC and provide all of the following information, in a manner prescribed by the department pursuant to regulations adopted under this bill:
 - a) The name and a description of each hair relaxer product;
 - b) The applicable registration fee; and,
 - c) A statement of compliance certifying that each hair relaxer product is in compliance with this bill and Chapter 14, for the ingredients for which DTSC has identified accepted testing methods.
- 8) Authorizes DTSC to request from a manufacturer, and requires a manufacturer to provide, technical documentation, including analytical test results, to demonstrate compliance with this bill and Chapter 14, for the ingredients for which DTSC has identified accepted testing methods; provides that DTSC shall only accept test results produced using the accepted testing methods identified pursuant to this bill.
- 9) Authorizes DTSC to test hair relaxer products using its accepted testing methods, to support enforcement pursuant to this bill.
- 10) Requires DTSC to specify in regulation the manner for registering and the registration fee; prohibits the registration fee from exceeding DTSC's reasonable costs of implementing the provisions of this bill.
- 11) Requires DTSC to issue a notice of violation to a person or entity in violation of this bill or Chapter 14, for the ingredients for which DTSC has identified accepted testing methods, if either of the following occurs:
 - a) The manufacturer's technical documentation, including test results, submitted as part of the registration process; DTSC's testing; or DTSC's review of a hair relaxer product's ingredient label indicates that a hair relaxer product contains an intentionally added ingredient for which DTSC has identified accepted testing methods; or,
 - b) DTSC finds a violation of any rule, regulation, standard, or requirement established pursuant to this bill.
- 12) Requires that a notice of violation indicate the nature of the violation; authorizes a notice of violation to do either of the following:

- a) Assess an administrative or civil penalty against a person or entity in violation of this bill or Chapter 14, for the ingredients for which DTSC has identified accepted testing methods; or,
 - b) Require compliance with this bill and Chapter 14, for the ingredients for which DTSC has identified accepted testing methods, to include requiring a person or entity to cease the manufacture, sale, or distribution of a hair relaxer product in this state.
- 13) Authorizes DTSC to receive reports of alleged violations, including analytical test results, from consumers, businesses, research institutions, persons, entities, and not-for-profit entities; requires DTSC to verify alleged reports through its own independent testing, verification, or inspection.
- 14) Provides that a violation of this bill or Chapter 14, for the ingredients for which DTSC has identified accepted testing methods, is punishable by a civil penalty, administrative penalty, or by both a civil and an administrative penalty.
- 15) Requires DTSC to determine, on a case-by-case basis, the enforcement mechanism and the amount of any administrative or civil penalty assessed pursuant to this bill; provides that the minimum amount of an administrative or civil penalty shall be \$10,000 for the first and any subsequent violation; authorizes DTSC to assess penalties for each violation of a separate provision or, for continuing violations, for each day that the violation continues.
- 16) Authorizes DTSC or a court to consider all of the following in assessing the amount of a penalty for a violation:
- a) The nature and extent of the violation;
 - b) The number and severity of the violation;
 - c) The economic effect of the penalty on the violator;
 - d) Whether the violator took good faith measures to comply with the requirements under this bill, and whether measures were taken;
 - e) The deterrent effect that the penalty would have on both the violator and the regulated community as a whole; and,
 - f) Whether there were contributing environmental factors that a reasonable person knew or should have known.
- 17) Authorizes the Attorney General, on behalf of DTSC, to bring an action in superior court, as specified.
- 18) Establishes the Fund in the State Treasury and requires penalties collected pursuant to this bill to be deposited into the Fund.
- 19) Authorizes DTSC to create the C.U.R.L. Act Registration Fee Account within the Fund, for the deposit of moneys from fees collected pursuant to this bill; provides that if DTSC does not create the C.U.R.L. Act Registration Fee Account, then moneys from registration fees shall be deposited into the Fund.

- 20) Provides that DTSC's duties to initiate, implement, or enforce any requirement under this bill are contingent upon sufficient funds in the Toxic Substances Control Account (TSCA) and an appropriation by the Legislature for the purposes of implementing this bill.
- 21) Authorizes, as specified, TSCA funds to be used as a loan, to allow DTSC to carry out the provisions established under this bill until the Fund contains revenues sufficient to fund DTSC's reasonable implementation costs, and to reimburse any outstanding loans made from TSCA to finance the development of regulations and startup costs associated with DTSC's activities under this bill.

EXISTING LAW:

- 1) Defines, under Chapter 14, "cosmetic product" to mean 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. (Health and Safety Code (HSC) § 108982(a))
- 2) Prohibits, under Chapter 14, commencing January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of 24 specified chemicals as intentionally added ingredients, including all of the following:
 - a) Formaldehyde (CAS no. 50-00-0);
 - b) Isobutylparaben (CAS no. 4247-02-3);
 - c) Isopropylparaben (CAS no. 4191-73-5);
 - d) Diethanolamine perfluorooctane sulfonate (CAS no. 70225-14-8);
 - e) Dibutyl phthalate (CAS no. 84-74-2); and,
 - f) Diethylhexyl phthalate (CAS no. 117-81-7). (HSC § 108980(a))
- 3) Prohibits, under Chapter 14, commencing January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of 41 specified chemicals as intentionally added ingredients, including all of the following:
 - a) Cyclohexylamine (CAS no. 108-91-8);
 - b) Cyclotetrasiloxane (CAS no. 556-67-2); and,
 - c) Lily aldehyde (CAS no. 80-54-6). (HSC § 108980(b))
- 4) Provides, under Chapter 14, that trace quantities of a chemical prohibited under HSC § 108980 shall not cause a cosmetic product to be in violation, if the trace quantity is technically unavoidable and stems from ingredient impurities, the manufacturing process, storage, or migration from packaging. (HSC § 108980(c))

- 5) Requires DTSC to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered chemicals of concern, as specified. (HSC § 25252)
- 6) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern in consumer products, and their potential alternatives, to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern. (HSC § 25253 (a))
- 7) Specifies, but does not limit, regulatory responses that DTSC can take following the completion of an alternatives analysis, ranging from no action, to a prohibition of the chemical in the product. (HSC § 25253)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author:

"This bill strengthens enforcement of existing California law banning toxic chemicals in cosmetics—specifically those commonly found in chemical hair relaxers. Current enforcement relies on self-regulation and consumer-initiated legal action, leaving the potential for harmful legacy products to remain in the market. By requiring that [DTSC] actively monitors and enforces compliance, we can ensure that we are not simply relying on consumer complaints or lawsuits for true protection for our California residents. Numerous studies, including large-scale cohort data from the Sister Study, have linked frequent use of chemical hair relaxers that contain carcinogens and endocrine-disrupting chemicals to significantly increased risks of breast, ovarian, and uterine cancers, as well as reproductive harm. These products are overwhelmingly marketed to and used by Black and Latina women. This, along with existing health disparities, makes it not only a public health issue, but a racial justice one. No community should face higher risks of hormone-related cancers due to exposure to toxic beauty products. By ensuring that banned chemicals are truly removed from these products, this bill seeks to elevate public health, advance equity, and affirm the state's commitment to protect all residents."

The Safer Consumer Products Program: Created in 2013 and administered by DTSC, the Safer Consumer Products Program (also known as "Green Chemistry") aims to advance the development, design, and use of products that are chemically safer for people and the environment. Under this program, DTSC identifies chemicals to be added to a list of candidate chemicals, which have known hazard traits and/or environmental or toxicological risks. Through a formal regulatory process, DTSC may then designate "priority products," identified based on whether they contain one or more candidate chemicals that have the potential to harm people or the environment. If a candidate chemical is identified as part of a priority product, it becomes a "chemical of concern." Once identified, DTSC works to analyze alternatives to those chemicals and to encourage producers to use less toxic alternatives.

Hair relaxer products and toxic chemical exposures: In 2021, DTSC released "Chemicals in hair straightening products," a background document that summarized DTSC's preliminary findings on hair straightening products. The publication of this document marked the beginning of DTSC's dialogue with interested stakeholders (including manufacturers, civic and nonprofit

organizations, and academia), to inform the department's decisions about potentially regulating hair straightening products under the Safer Consumer Products Program.

The document includes the following description of DTSC's findings:

"Hair relaxers are chemical treatments designed to permanently straighten highly coiled hair by breaking its disulfide bonds and restructuring them. These products are typically sold as kits consisting of multiple components, including a protective gel, a relaxing cream, a liquid activator, and a neutralizing shampoo...

DTSC is concerned about the potential for adverse impacts from exposure to Candidate Chemicals in hair straightening products. DTSC has evaluated several Candidate Chemicals in these products, including formaldehyde, cyclosiloxanes, parabens, sodium hydroxide, diethanolamine, phthalates, benzophenone-3, and triclosan. Some of these compounds are associated with human health and environmental hazards including respiratory effects, endocrine disruption, developmental and reproductive toxicity, dermal effects, environmental persistence, and bioaccumulation...

Use of hair straightening products in salons and homes has the potential to cause or contribute to adverse impacts from exposure to Candidate Chemicals. A recent study tested three hair relaxer kits and detected 35 different endocrine-disrupting or asthma-associated chemicals. Further, Eberle et al. (2020) found that breast cancer risk increased as the frequency of hair straightener use increased in women who had sisters diagnosed with breast cancer. A higher risk was also evident for hair straightening products applied outside of a professional setting.

Hair salon workers, pregnant women and their fetuses, and children are particularly vulnerable to harm from toxic chemicals. The use of hair straightening products can begin at an early age. A study has observed that girls of African descent may begin using chemical hair straightening products as early as 4 years old. Moreover, chemicals are more readily absorbed through the scalp compared to other areas of skin. Continuous application of hair straightening products may cause scalp disorders, which in turn could increase likelihood of exposure to a combination of chemicals in these products (e.g., damage to the scalp may leave the skin more permeable for exposure)."

Hair relaxer products and equity concerns: In its background document, DTSC summarizes research pointing to equity concerns associated with harmful chemicals in hair straightening products:

"Exposure to harmful chemicals in hair straightening products presents an environmental justice issue. Women of African descent may experience more adverse effects from such exposures, due to higher frequency of use of hair relaxers. Further, low-income communities of color are even more vulnerable, since they frequently encounter multiple environmental and social risk factors and face poorer health outcomes. The presence of endocrine-disrupting chemicals in hair products used by women of African descent has been linked to hormone-related health complications, such as diabetes, obesity, and an earlier start of menstruation."

Chemical bans and the Safer Consumer Products Program: A search of DTSC's Candidate Chemicals list by CAS number (these numbers are used by scientists, manufacturers, and regulators worldwide to identify individual chemicals) shows that all of the chemicals listed in this bill, except for cyclohexylamine and cyclotetrasiloxane, are identified as Candidate Chemicals.

The aim of the Safer Consumer Products Program is to establish a robust and thorough regulatory process rooted in science, to protect consumers from exposure to harmful chemicals. However, it has long been recognized that DTSC does not have the resources to evaluate all, or even a significant percentage of, chemicals in every consumer product application. The permutations of product and chemical combinations are virtually limitless. To that end, the Safer Consumer Products statute does not preclude the Legislature from taking legislative action on the use of chemicals in consumer product applications. When there is credible scientific evidence to support a change in state policy to protect public health, the Legislature can respond to that science more expeditiously than can DTSC. Since the Safer Consumer Products Program was established, the Legislature has enacted policies on various chemical-product applications, which include a prohibition, under Chapter 14, on the manufacture and sale of cosmetic products containing certain intentionally added ingredients.

The statutes in Chapter 14 were established in 2020 by AB 2762 (Muratsuchi, Chapter 314). In 2023, AB 496 (Friedman, Chapter 441) added another 41 chemicals to the list. For both bills, the aim was to prohibit chemicals in California that had already been banned from cosmetics in the European Union, due to their classification as substances with carcinogenic, mutagenic (i.e., capable of causing genetic mutations), or reproductive toxicity properties.

All of the chemicals included in this bill are specified in the Chapter 14 list of prohibited ingredients, with the following prohibition dates:

- Prohibited as intentionally added ingredients in cosmetic products beginning on January 1, 2025:
 - Formaldehyde (CAS no. 50-00-0);
 - Isobutylparaben (CAS no. 4247-02-3);
 - Isopropylparaben (CAS no. 4191-73-5);
 - Diethanolamine perfluorooctane sulfonate (CAS no. 70225-14-8);
 - Dibutyl phthalate (CAS no. 84-74-2); and,
 - Diethylhexyl phthalate (CAS no. 117-81-7)
- Prohibited as intentionally added ingredients in cosmetic products beginning on January 1, 2027:
 - Cyclohexylamine (CAS no. 108-91-8);
 - Cyclotetrasiloxane (CAS no. 556-67-2); and,
 - Lily aldehyde (CAS no. 80-54-6)

In its background document on hair straightening products, DTSC referenced the chemical prohibitions established under AB 2762, stating that the bill would inform the department's decisions about which chemicals to prioritize under the Safer Consumer Products Program. According to the Senate Environmental Quality Committee's analysis for this bill, DTSC has decided to stop work on formaldehyde, since AB 2762 banned formaldehyde in cosmetic products and DTSC cannot duplicate existing regulations.

Enforcement and compliance for chemical ban laws: A number of chemical prohibition bills in California state law—including those that established or updated Chapter 14—are placed in a unique location in the California Codes, sometimes referred to as the "orphan codes." In these code sections, no state agency is designated to provide oversight of the provisions of the law. As a result, there is no direct enforcement, no compliance program, no guidance for manufacturers seeking to comply with these laws, and no related information for consumers. This means there are no regulations or public guidance documents clarifying the intent of the law and no state entity investigating complaints, testing affected products for compliance, or bringing enforcement actions against violators. Because of these deficiencies, it is challenging for some manufacturers to comply and difficult or impossible to know if any manufacturers are complying with the requirements of laws in the orphan codes.

Similar to AB 347 (Ting, Chapter 932, Statutes of 2024), which established enforcement for orphan code prohibitions on per- and polyfluoroalkyl substances (PFAS), this bill establishes an enforcement program for nine of the chemicals listed in Chapter 14, for hair relaxer products.

Additional federal and state laws pertaining to cosmetics: At the federal level, the Food, Drug, and Cosmetic Act (FD&C) authorizes the United States Food and Drug Administration (FDA) to oversee and regulate the production, sale, and distribution of food, drugs, medical devices, and cosmetics. Under the FD&C, a cosmetic is defined as an article "intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance," as well as any substance intended for use as a component in a cosmetic product. One of the FDA's primary tools for regulating cosmetics is the ability to prohibit the marketing of adulterated or misbranded cosmetics in interstate commerce. Adulteration refers to violations involving product composition, whether they result from ingredients, contaminants, processing, packaging, or shipping and handling. For example, a cosmetic is adulterated under the FD&C if "it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under conditions of use as are customary and usual." "Misbranding" refers to violations involving improperly labeled or deceptively packaged products. For example, a cosmetic may be deemed misbranded due to failure to provide material facts, including any directions for safe use and warning statements needed to ensure a product's safe use.

Before January 2021, California's primary state law for governing the safety of cosmetics was the state's Sherman Food, Drug, and Cosmetic Law (Sherman Law). The Sherman Law (HSC § 109875, *et seq.*) is administered by the California Department of Public Health (CDPH) and serves as California's state level, implementing legislation for the federal FD&C. Under the Sherman Law, selling misbranded cosmetics can lead to civil and administrative penalties, embargoes, and even bans on products.

In addition, the California Safe Cosmetics Act of 2005 (Cosmetics Act; HSC § 111791, *et seq.*), housed under Sherman Law, requires manufacturers of any cosmetic product, sold into California and subject to regulation by the FDA, to provide CDPH with a complete and accurate list of cosmetic products that contain any ingredient that is a carcinogen or reproductive toxicant. The Cosmetics Act further requires CDPH to maintain a consumer-friendly, searchable online database that contains product information collected by CDPH pursuant to the Act.

This bill: All of the chemicals listed in SB 236 are already banned in cosmetic products under existing state law, but this ban currently lacks any enforcement entity or authority. As noted above, the lack of oversight and enforcement makes it very difficult to know if the bans are working as intended to protect consumers from exposure to harmful chemicals. By establishing an enforcement program, this bill addresses this issue for hair relaxer products, which contain chemicals that have been associated with human health harms and environmental justice concerns, particularly for persons of African descent.

Arguments in support: According to the California Black Chamber of Commerce:

"Hair relaxers disproportionately used by Black women and children are too often formulated with carcinogens and endocrine-disrupting chemicals that are linked to breast cancer, uterine cancer, reproductive harm, early puberty, fibroids, and infertility. Despite these well-documented health risks, these products remain aggressively marketed to communities of color without adequate safety warnings or regulatory oversight.

SB 236 is a much-needed and overdue response to a public health and racial justice issue. By banning the use of the most dangerous substances, this bill would bring stronger safety regulations to market while empowering [DTSC] to oversee compliance and take enforcement action. Importantly, the bill prioritizes consumer transparency and reproductive justice, protecting vulnerable populations from long-term exposure to harmful chemicals.

This measure will help close persistent health disparity gaps, particularly those affecting women, children, and communities of color, and ensure our state continues to lead in environmental health and product safety. We thank Senator Weber Pierson for her leadership on this issue and respectfully urge your "aye" vote on SB 236."

Arguments in opposition: None on file.

Related legislation:

- 1) AB 60 (Papan). Prohibits, commencing January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of five specified ingredients. This bill is pending in the Senate Environmental Quality Committee.
- 2) SB 39 (Weber Pierson). Requires, commencing on January 1, 2027, a person or entity that manufactures or sells a vaginal boric acid suppository (BAS) product to include specified language on the product label; prohibits, beginning on January 1, 2035, a person or entity from manufacturing or selling a BAS product; provides that neither of these provisions apply if a BAS product becomes regulated as a drug under the FDA. This bill is pending on the Senate floor.

- 3) AB 347 (Ting, Chapter 932, Statutes of 2024). Requires DTSC to enforce and ensure compliance with three existing laws that set limits for PFAS in food packaging, textiles, and juvenile products.
- 4) AB 496 (Friedman, Chapter 441, Statutes of 2023). Prohibits, beginning January 1, 2027, the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product containing 41 specified intentionally added ingredients.
- 5) AB 2771 (Friedman, Chapter 804, Statutes of 2022). Prohibits any person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains PFAS.
- 6) AB 2762 (Muratsuchi, Chapter 314, Statutes of 2020). Prohibits, beginning January 1, 2025, the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product containing 24 specified intentionally added ingredients.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
California Black Chamber of Commerce

Opposition

None on file.

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