

By Senator Calatayud

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1                   A bill to be entitled  
2           An act relating to toxic chemicals in cosmetic  
3           products; creating s. 499.0095, F.S.; defining terms;  
4           prohibiting, beginning on a specified date, the  
5           manufacture, sale, offer or distribution for sale, or  
6           distribution for use of cosmetics that contain  
7           specified added chemical ingredients; providing an  
8           exception; requiring the Department of Business and  
9           Professional Regulation (DBPR), in consultation with  
10          the Department of Health, to make certain  
11          determinations and make the information publicly  
12          available on its website by a specified date;  
13          providing construction; providing for disciplinary  
14          action; providing applicability; requiring DBPR to  
15          adopt rules; requiring DBPR to adopt specified rules;  
16          specifying requirements for the adoption of such  
17          rules; providing an effective date.

18  
19          WHEREAS, the Legislature finds that certain chemicals used  
20          in cosmetic products are linked to harmful impacts on health,  
21          such as cancer, birth defects, damage to the reproductive  
22          system, organ system toxicity, and endocrine disruption, and

23          WHEREAS, the previous federal administration substantially  
24          ignored its duties under federal law to protect citizens from  
25          the harm caused by toxic and unsafe chemicals in cosmetic  
26          products, and

27          WHEREAS, President Trump, in his executive order  
28          establishing the President's Make America Healthy Again  
29          Commission, warned of a growing health crisis in America and

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30 created the commission to make America healthy again by helping  
31 drastically lower chronic disease rates and end childhood  
32 chronic diseases, and

33 WHEREAS, to ensure the safety of cosmetic products and  
34 protect residents of this state from toxic exposures, the  
35 Legislature intends to prohibit the use of toxic chemicals found  
36 in cosmetic and personal care products and join President Trump  
37 and other jurisdictions in creating a safer global standard for  
38 cosmetic products and bringing more sustainable, safer  
39 ingredients to the marketplace, NOW, THEREFORE,

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Section 499.0095, Florida Statutes, is created  
44 to read:

45 499.0095 Toxic chemicals in cosmetics prohibited.-

46 (1) As used in this section, the term:

47 (a) "Ortho-phthalates" means esters of ortho-phthalic acid.

48 (b) "Perfluoroalkyl and polyfluoroalkyl substances" or  
49 "PFAS" means a class of fluorinated organic chemicals containing  
50 at least one fully fluorinated carbon atom.

51 (c) "Small business" means a business employing fewer than  
52 50 people.

53 (2) Except as provided in subsection (4), beginning July 1,  
54 2026, cosmetics manufactured, sold, offered or distributed for  
55 sale, or distributed for use in this state may not contain any  
56 of the following intentionally added chemicals or chemical  
57 classes:

58 (a) Ortho-phthalates.

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- 59        (b) PFAS.
- 60        (c) Formaldehyde or any other chemical determined by the  
61 department to release formaldehyde.
- 62        (d) Methylene glycol.
- 63        (e) Mercury or mercury compounds.
- 64        (f) Triclosan.
- 65        (g) M-phenylenediamine or its salt derivatives.
- 66        (h) O-phenylenediamine or its salt derivatives.
- 67        (3) Except as provided in subsection (4), beginning July 1,  
68 2026, cosmetics manufactured, sold, offered or distributed for  
69 sale, or distributed for use in this state may not contain any  
70 lead or lead compounds, whether intentionally added, at one part  
71 per million or above, or as otherwise determined by department  
72 rule.
- 73        (4) An in-state retailer in possession of cosmetics on the  
74 date that restrictions on the sale of the products take effect  
75 under this section may exhaust its existing stock through sales  
76 to the public until July 1, 2027.
- 77        (5) By January 1, 2026, the department, in consultation  
78 with the Department of Health, shall use existing information to  
79 identify and assess the hazards of chemicals or chemical classes  
80 that can provide the same or similar function in cosmetics as  
81 the chemicals or chemical classes listed in subsection (2). The  
82 department shall make the information publicly available on its  
83 website.
- 84        (6) The chemicals in subsection (2) are prohibited in  
85 cosmetics regardless of whether the product also contains drug  
86 ingredients regulated by the United States Food and Drug  
87 Administration.

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88 (7) A violation of this section is grounds for disciplinary  
89 action under s. 499.066.

90 (8) This section does not apply to ingredients regulated as  
91 drugs by the United States Food and Drug Administration.

92 (9) The department shall adopt rules necessary to implement  
93 this section.

94 (a) The department's determinations of chemicals that  
95 release formaldehyde must be adopted by rule. The department  
96 shall identify a list of chemicals used in cosmetics that  
97 release formaldehyde which are subject to restriction under this  
98 chapter. In establishing this list, the department shall  
99 consider the following:

- 100 1. Estimated prevalence of use.  
101 2. Potential to reduce disproportionate exposure.  
102 3. Other information deemed relevant by the department.

103 (b) The department may identify for restriction an initial  
104 set of no more than 10 of the listed chemicals used in cosmetics  
105 that release formaldehyde. This restriction must take effect on  
106 or after July 1, 2026.

107 (c) Restrictions on any remaining listed chemicals used in  
108 cosmetics that release formaldehyde may take effect on or after  
109 July 1, 2027.

110 (d) In adopting rules under this section, the department  
111 shall engage with relevant stakeholders for their expertise and  
112 input. The stakeholder process must include, but is not limited  
113 to, soliciting input from representatives from independent  
114 cosmetologists, small businesses offering cosmetology services,  
115 such as beauty salons, and small manufacturers of cosmetics. The  
116 input received from stakeholders must be considered when

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117 adopting rules.

118 Section 2. This act shall take effect July 1, 2025.