

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH40458-MV-4 (04/06)

Short Title: Disclosure of Cosmetics Ingredients. (Public)

Sponsors: Representatives Belk, Harrison, Ball, and Fisher (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT COSMETICS MANUFACTURERS DISCLOSE ON
3 MANUFACTURER WEB SITES THE FULL LIST OF INGREDIENTS, INCLUDING
4 THE COMPONENT INGREDIENTS OF FRAGRANCES, FLAVORS, AND COLOR
5 ADDITIVES.

6 The General Assembly of North Carolina enacts:

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

9 "**§ 106-137.1. Disclosure of cosmetics ingredients.**

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

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

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

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

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

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

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

28 **SECTION 2.(a)** Until the effective date of the revised permanent rule that the
29 Board is required to adopt pursuant to subsection (c) of this section, the Board shall implement
30 02 NCAC 09B .0116(o)(145), as provided in subsection (b) of this section.

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

34 **SECTION 2.(c)** The Board shall adopt rules to amend 02 NCAC 09B
35 .0116(o)(145) consistent with subsection (b) of this section.

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



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

2 "**§ 106-124. Violations made misdemeanor.**

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

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

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

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17 **SECTION 4.** Except as otherwise provided, this act becomes effective July 1,
18 2018.