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California Expands Disclosure Requirements Regarding Cosmetics and Hazardous Substances



In late September 2019, California enacted a new law, [AB 647](#), that would impose expanded disclosure requirements on certain cosmetic and disinfectant products.

Effective in July 2020, manufacturers and importers of cosmetics and disinfectants that contain [hazardous substances](#), as defined by California's Department of Industrial Relations ("DIR"), would need to post a safety data sheet ("SDS") on the entity's website by the product's brand or commonly known name. The required SDS must also be translated into Spanish, Vietnamese, Chinese, Korean, and other languages as required by DIR. Some takeaways for importers and manufacturers of the relevant products include:

- Existing California law requires certain safety disclosures to direct purchasers.
- Starting in July 2020, AB 647 requires that SDS disclosures be provided to the public on company websites by brand or commonly known name.
- These SDS disclosures must be translated into several languages.
- The cosmetics and disinfectants subject to this expanded disclosure requirement [are not](#) limited to products used in nail salons.

A digest of AB 647, available at the state legislature's [website](#), is included below:

Existing law, the Hazardous Substances Information and Training Act, prescribes the rights and duties of employers who use hazardous substances, people who sell a hazardous substance to employers in California, and manufacturers who produce or sell hazardous substances. Existing law requires the Director of Industrial Relations to establish a list of hazardous substances and make the list available to manufacturers, employers, and the public. Existing law requires the manufacturer of a hazardous substance on that list to prepare and provide its direct purchasers of the hazardous substance a material safety data sheet, referred to as an MSDS, containing specified information that is current, accurate, and complete.

This bill, beginning July 1, 2020, would require an entity that manufactures or imports a hazardous substance or mixture of substances that constitutes a cosmetic or is used as a disinfectant, as defined, that is required to create a safety data sheet (SDS) for that product, to post and maintain the SDS on its internet website, as prescribed, by its brand name or other commonly known name in a manner generally accessible to the public. If a separate SDS based on color or tint exists, the bill would require the entity to post and translate each SDS. The bill would require the entity to translate the SDS into Spanish, Vietnamese, Chinese, and Korean, and other languages that the director may determine are common to the beauty care industry, and to make these translations also publicly available on its website.

Authors

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