

HOUSE BILL 1533

J1

(6lr2548)

ENROLLED BILL

— Health/Finance —

Introduced by **Delegates Alston, Palakovich Carr, Allen, Boyce, Coley, Fennell, Guzzone, Hornberger, Lewis, Miller, Roberson, Roberts, Shetty, ~~and Stein~~ Stein, Bagnall, Cullison, Hill, Kaufman, Lopez, Martinez, Rosenberg, Ross, White Holland, and Woorman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Cosmetic Products – Enforcement and Penalties for Prohibited**
3 **Ingredients**
4 **(Crown and Care Act – Protecting Communities From Harmful Hair Chemicals)**

5 FOR the purpose of ~~prohibiting a person from knowingly manufacturing, selling, delivering,~~
6 ~~holding, or offering for sale a cosmetic product that contains intentionally added~~
7 ~~lead;~~ making a violation of certain provisions of law regarding the manufacture, sale,
8 delivery, holding, or offering for sale certain cosmetic products an unfair, abusive, or
9 deceptive trade practice; providing that a person who violates the prohibition on the
10 manufacture, sale, delivery, holding, or offering for sale a cosmetic product that
11 contains certain ingredients is liable for certain civil damages resulting from actual
12 harm sustained by an individual; authorizing the Maryland Department of Health

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 to investigate a complaint alleging that a person included certain prohibited
 2 ingredients in cosmetic products; ~~establishing the Harmful Hair Chemicals~~
 3 ~~Restitution Fund as a special, nonlapsing fund; requiring that interest earnings of~~
 4 ~~the Fund remain in the Fund;~~ and generally relating to prohibited ingredients in
 5 cosmetic products.

6 BY renumbering

7 ~~Article – Health – General~~

8 ~~Section 21–259.3~~

9 ~~to be Section 21–259.4~~

10 ~~Annotated Code of Maryland~~

11 ~~(2023 Replacement Volume and 2025 Supplement)~~

12 BY repealing and reenacting, with amendments,

13 ~~Article – Commercial Law~~

14 ~~Section 13–301(14)(xlvii)~~

15 ~~Annotated Code of Maryland~~

16 ~~(2025 Replacement Volume)~~

17 BY repealing and reenacting, without amendments,

18 ~~Article – Commercial Law~~

19 ~~Section 13–301(14)(xlviii)~~

20 ~~Annotated Code of Maryland~~

21 ~~(2025 Replacement Volume)~~

22 BY adding to

23 ~~Article – Commercial Law~~

24 ~~Section 13–301(14)(xlix)~~

25 ~~Annotated Code of Maryland~~

26 ~~(2025 Replacement Volume)~~

27 BY repealing and reenacting, without amendments,

28 ~~Article – Health – General~~

29 ~~Section 21–101(a) and (e)~~

30 ~~Annotated Code of Maryland~~

31 ~~(2023 Replacement Volume and 2025 Supplement)~~

32 BY repealing and reenacting, with amendments,

33 ~~Article – Health – General~~

34 ~~Section 21–259.2~~

35 ~~Annotated Code of Maryland~~

36 ~~(2023 Replacement Volume and 2025 Supplement)~~

37 BY adding to

38 ~~Article – Health – General~~

39 ~~Section 21–259.3~~

40 ~~Annotated Code of Maryland~~

~~(2023 Replacement Volume and 2025 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — State Finance and Procurement~~

~~Section 6 — 226(a)(2)(i) and (ii)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2025 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — State Finance and Procurement~~

~~Section 6 — 226(a)(2)(iii) 212. and 213.~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2025 Supplement)~~

~~BY adding to~~

~~Article — State Finance and Procurement~~

~~Section 6 — 226(a)(2)(iii) 214.~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2025 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That ~~Section(s) 21–259.3 of Article — Health — General of the Annotated Code of Maryland~~
~~be renumbered to be Section(s) 21–259.4.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That~~ the Laws of Maryland read
as follows:

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xlvii) Title 14, Subtitle 50 of this article; [or]

(xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

**(XLIX) SECTION 21–259.2 OF THE HEALTH – GENERAL
ARTICLE; OR**

Article – Health – General

21–101.

1 (a) In this title the following words have the meanings indicated.

2 (e) (1) “Cosmetic” means any substance, or any component of a substance, that
3 is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
4 applied to the human body for cleansing, beautifying, promoting attractiveness, or altering
5 appearance.

6 (2) “Cosmetic” does not include soap.

7 21–259.2.

8 (a) In this section:

9 (1) “Ingredient” means any single chemical entity or mixture used as a
10 component in the manufacture of a cosmetic product; and

11 (2) “Ingredient” does not include an incidental ingredient, as described in
12 21 C.F.R. § 701.3(l).

13 (b) Except as provided in subsection (c) of this section, a person may not
14 knowingly manufacture, sell, deliver, hold, or offer for sale in the State a cosmetic product
15 that contains any of the following intentionally added ingredients:

16 (1) Dibutyl phthalate (CAS no. 84–74–2);

17 (2) Diethylhexyl phthalate (CAS no. 117–81–7);

18 (3) Formaldehyde (CAS no. 50–00–0);

19 (4) Paraformaldehyde (CAS no. 30525–89–4);

20 (5) Methylene glycol (CAS no. 463–57–0);

21 (6) Quaternium–15 (CAS no. 51229–78–8);

22 (7) Mercury (CAS no. 7439–97–6);

23 (8) Isobutylparaben (CAS no. 4247–02–3);

24 (9) Isopropylparaben (CAS no. 4191–73–5);

25 (10) m–Phenylenediamine and its salts (CAS no. 108–45–2);

26 (11) o–Phenylenediamine and its salts (CAS no. 95–54–5); ~~or~~

27 (12) **LEAD (CAS NO. 7439–92–1); OR**

1 **(13)** The following per- and polyfluoroalkyl substances (PFAS) and their
2 salts:

3 (i) Perfluorooctane sulfonate (PFOS) or
4 heptadecafluorooctane-1-sulfonic acid (CAS no. 1763-23-1);

5 (ii) Potassium perfluorooctanesulfonate or potassium
6 heptadecafluorooctane-1-sulfonate (CAS no. 2795-39-3);

7 (iii) Diethanolamine perfluorooctane sulfonate (CAS no.
8 70225-14-8);

9 (iv) Ammonium perfluorooctane sulfonate or ammonium
10 heptadecafluorooctanesulfonate (CAS no. 29081-56-9);

11 (v) Lithium perfluorooctane sulfonate or lithium
12 heptadecafluorooctanesulfonate (CAS no. 29457-72-5);

13 (vi) Perfluorooctanoic acid (PFOA) (CAS no. 335-67-1);

14 (vii) Ammonium pentadecafluorooctanoate (CAS no. 3825-26-1);

15 (viii) Nonadecafluorodecanoic acid (CAS no. 335-76-2);

16 (ix) Ammonium nonadecafluorodecanoate (CAS no. 3108-42-7);

17 (x) Sodium nonadecafluorodecanoate (CAS no. 3830-45-3);

18 (xi) Perfluorononanoic acid (PFNA) (CAS no. 375-95-1);

19 (xii) Sodium heptadecafluorononanoate (CAS no. 21049-39-8); or

20 (xiii) Ammonium perfluorononanoate (CAS no. 4149-60-4).

21 (c) A person is not in violation of this section if the person manufactures, sells,
22 delivers, holds, or offers for sale in the State a cosmetic product that:

23 (1) Was manufactured through a process intended to comply with this
24 section; and

25 (2) Contains a technically unavoidable trace quantity of an ingredient
26 listed in subsection (b) of this section due to:

27 (i) An impurity of a natural or synthetic ingredient;

28 (ii) The manufacturing process;

1 (iii) Storage; or

2 (iv) Packaging.

3 (D) (1) IN ADDITION TO ANY OTHER PENALTIES UNDER THIS TITLE, A
4 PERSON WHO VIOLATES THIS SECTION IS LIABLE FOR CIVIL DAMAGES RESULTING
5 FROM ACTUAL HARM SUSTAINED BY THE INDIVIDUAL RESULTING FROM THE
6 VIOLATION.

7 (2) AN ACTION UNDER THIS SECTION MUST BE BROUGHT WITHIN 3
8 YEARS AFTER THE DATE ON WHICH THE PLAINTIFF DISCOVERED OR REASONABLY
9 SHOULD HAVE DISCOVERED THAT THE EXPOSURE TO AN INGREDIENT IN VIOLATION
10 OF THIS SECTION WAS THE PROXIMATE CAUSE OF THE INJURY SUSTAINED BY THE
11 PLAINTIFF.

12 (3) IN ANY ACTION BROUGHT TO ENFORCE THIS SECTION, A COURT
13 MAY AWARD ~~REASONABLE ATTORNEY'S FEES~~ TO A PREVAILING PLAINTIFF:

14 (I) TREBLE DAMAGES;

15 (II) IF THE VIOLATION WAS WILLFUL, PUNITIVE DAMAGES; AND

16 (III) REASONABLE ATTORNEY'S FEES.

17 (E) (1) THE DEPARTMENT MAY INVESTIGATE ANY COMPLAINT ALLEGING
18 THAT A PERSON HAS VIOLATED THIS SECTION.

19 (2) ON RECEIPT OF A COMPLAINT, A REPRESENTATIVE OF THE
20 DEPARTMENT, AT A REASONABLE TIME, MAY ENTER AND INSPECT THE PREMISES OF
21 THE PERSON LOCATED IN THE STATE TO DETERMINE COMPLIANCE WITH THIS
22 SECTION.

23 (3) THE PERSON MAY NOT:

24 (I) REFUSE TO GRANT ACCESS TO A REPRESENTATIVE WHO
25 REQUESTS TO ENTER AND INSPECT THE PREMISES OF THE PERSON UNDER
26 PARAGRAPH (2) OF THIS SUBSECTION; OR

27 (II) INTERFERE WITH AN INSPECTION UNDER PARAGRAPH (2)
28 OF THIS SUBSECTION.

29 (4) AN INVESTIGATION OF A PREMISES OF A PERSON CONDUCTED
30 UNDER THIS SUBSECTION MAY INCLUDE SAMPLING OF A COSMETIC PRODUCT TO

1 DETERMINE IF THE COSMETIC PRODUCT CONTAINS A TECHNICALLY UNAVOIDABLE
2 TRACE QUANTITY OF AN INGREDIENT LISTED IN SUBSECTION (B) OF THIS SECTION.

3 ~~21-259.3.~~

4 ~~(A) IN THIS SECTION, "FUND" MEANS THE HARMFUL HAIR CHEMICAL~~
5 ~~RESTITUTION FUND.~~

6 ~~(B) THERE IS A HARMFUL HAIR CHEMICAL RESTITUTION FUND.~~

7 ~~(C) THE PURPOSE OF THE FUND IS TO SUPPORT THE RESEARCH AND~~
8 ~~TREATMENT, INCLUDING SCREENINGS AND DIAGNOSIS, OF FIBROIDS, UTERINE~~
9 ~~CANCER, HAIR LOSS, AND RELATED CONDITIONS CAUSED BY HARMFUL HAIR~~
10 ~~CHEMICALS.~~

11 ~~(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.~~

12 ~~(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
13 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

14 ~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,~~
15 ~~AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

16 ~~(F) THE FUND CONSISTS OF:~~

17 ~~(1) ALL FUNDS, EXCLUDING FUNDS RECEIVED BY THE AGGRIEVED~~
18 ~~PARTY AND THE COSTS OF THE ACTION THE ATTORNEY GENERAL IS ENTITLED TO~~
19 ~~RECOVER, RECEIVED BY THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE~~
20 ~~OF THE ATTORNEY GENERAL FROM ENFORCING § 21-259.2 OF THIS SUBTITLE~~
21 ~~UNDER THE CONSUMER PROTECTION ACT; AND~~

22 ~~(2) INTEREST EARNINGS OF THE FUND.~~

23 ~~(G) (1) THE FUND SHALL BE USED FOR:~~

24 ~~(i) PROVIDING GRANTS FOR THE SUPPORT OF THE RESEARCH~~
25 ~~AND TREATMENT, INCLUDING SCREENINGS AND DIAGNOSIS, OF FIBROIDS, UTERINE~~
26 ~~CANCER, HAIR LOSS, AND RELATED CONDITIONS CAUSED BY HARMFUL HAIR~~
27 ~~CHEMICALS;~~

28 ~~(ii) CARRYING OUT ANY LAWS ENACTED TO BENEFIT VICTIMS~~
29 ~~OF A VIOLATION OF § 21-259.2 OF THIS SUBTITLE; AND~~

~~(H) PROVIDING RESTITUTION TO VICTIMS OF A VIOLATION OF § 21-259.2 OF THIS SUBTITLE.~~

~~(2) ON OR BEFORE JANUARY 1, 2027, THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER THE FUND.~~

~~(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.~~

~~(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(J) MONEY EXPENDED FROM THE FUND FOR THE SUPPORT OF RESEARCH AND TREATMENT UNDER SUBSECTION (C) OF THIS SECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE SUPPORT OF RESEARCH AND TREATMENT.~~

~~Article State Finance and Procurement~~

~~§ 226.~~

~~(a) (2) (i) This paragraph does not apply in fiscal years 2024 through 2028.~~

~~(ii) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

~~(iii) The provisions of subparagraph (ii) of this paragraph do not apply to the following funds:~~

~~212. the Department of Social and Economic Mobility Special Fund; [and]~~

~~213. the Population Health Improvement Fund; AND~~

~~214. THE HARMFUL HAIR CHEMICALS RESTITUTION FUND.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) (1) The Maryland Department of Health, in conjunction with the Office of
 2 the Attorney General, shall develop a plan for the administration of a special fund to support
 3 the research and treatment, including screenings and diagnosis, of fibroids, uterine cancer,
 4 hair loss, and related conditions caused by harmful hair chemicals that consists of:

5 (i) all funds, excluding funds received by the aggrieved party and the
 6 costs of the action the Attorney General is entitled to recover, received by the Division of
 7 Consumer Protection in the Office of the Attorney General from enforcing § 21-259.2 of the
 8 Health – General Article under the Consumer Protection Act; and

9 (ii) interest earnings of the fund.

10 (2) The plan developed under paragraph (1) of this subsection shall include
 11 the best method of using the money in the fund to achieve the purpose of the special fund.

12 (b) On or before December 1, 2026, the Maryland Department of Health, in
 13 conjunction with the Office of the Attorney General, shall report the plan developed under
 14 subsection (a) of this section to the Senate Finance Committee and the House Health
 15 Committee, in accordance with § 2-1257 of the State Government Article.

16 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 17 July 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.