

LC003909

IN GENERAL ASSEMBLY

RELATING TO HEALTH AND SAFETY -- THE PERSONAL HYGIENE PRODUCT
SAFETY AND TOXIC METAL REMOVAL ACT OF 2026

Referred To: Senate Health & Human Services

(1) “Detectable concentration” means any presence of a toxic metal at or above the threshold levels set forth in § 23-18.20-4, measured by the standards of the U.S. Food and Drug

Administration (FDA) or other applicable regulatory bodies.

(2) “Personal hygiene and care product” means any product intended for personal cleansing, and grooming including, but not limited to, cosmetics, tampons and pads.

(3) “Toxic metal” means any metal identified as hazardous to human health by the Environmental Protection Agency (EPA) or other recognized health authorities including, but not limited to, lead, cadmium, and arsenic.

23-18.20-4. Prohibition of toxic metal in personal hygiene products.

No personal hygiene or care product sold in this state shall contain detectable concentrations of any toxic metals including, but not limited to, lead, cadmium, or arsenic above the following limits:

(1) Lead: 0.1 parts per million (ppm);

(2) Cadmium: 0.05 ppm;

(3) Arsenic: 0.1 ppm; and

(4) For metals not listed in this chapter but deemed harmful by relevant authorities, the United States Department of Health and Human Services (HHS) shall determine appropriate concentration limits based on scientific studies and public health risks.

23-18.20-5. Testing and monitoring.

Manufacturers of personal hygiene and care products sold in this state shall be required to regularly test and document the presence of toxic metals in their products. The testing shall be conducted by independent laboratories accredited by the FDA or an equivalent authority.

23-18.20-6. Reporting requirements.

All manufacturers shall submit reports to the department of business regulation (DBR) detailing the results of product testing, including proof that their products meet the limits established pursuant to this chapter. Reports shall be made available to the public via the department’s website.

23-18.20-7. Enforcement and penalties.

(a) The DBR or its designated agents shall have the authority to inspect, seize, and test personal hygiene products suspected of containing harmful levels of toxic metals. Products found to be in violation of the concentration limits set forth § 23-18.20-4 shall be subject to recall at the manufacturer’s expense.

(b) Manufacturers found in violation of this chapter shall be subject to civil penalties up to two hundred fifty thousand dollars (\$250,000) per violation. Repeat offenders may face increased penalties including, but not limited to, possible suspension of their license to conduct business in this state.

1 (c) The DBR shall have the authority to obtain an injunction or seek other legal relief to
2 prohibit the sale of personal care products violating the concentration limits set forth in this chapter.

3 **23-18.20-8. Public awareness and education.**

4 (a) Personal hygiene products shall include a label that certifies they have been tested and
5 meet all federal safety standards concerning toxic metals.

6 (b) The executive office of health and human services shall implement an educational
7 campaign to inform consumers about the risks of toxic metals in personal care products, the
8 importance of reading product labels, and the steps being taken to protect public health.

9 **23-18.20-9. Research and development funding.**

10 The executive office of health and human services shall provide grants to academic
11 institutions, nonprofit organizations, and industry stakeholders for the research and development
12 of safer alternatives to toxic metals in personal hygiene and care products.

13 **23-18.20-10. Appropriations.**

14 The general assembly shall annually appropriate such sums as it may deem necessary for
15 the expenses of administering and implementation of this chapter.

16 **23-18.20-11. Severability.**

17 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any
18 court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate
19 the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,
20 section, or part directly involved in the controversy in which that judgment shall have been
21 rendered.

22 **23-18.20-12. Effective date.**

23 This chapter shall take effect on January 1, 2030, with manufacturers being required to
24 comply with the concentration limits set forth in § 23-18.20-4 within one hundred eighty (180) days
25 thereafter.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- THE PERSONAL HYGIENE PRODUCT
SAFETY AND TOXIC METAL REMOVAL ACT OF 2026

- 1 This act would set a clear and enforceable standard for reducing the presence of harmful
2 metals in personal care products, prioritizing public health through testing, labeling, and the
3 development of safer alternatives commencing on January 1, 2030, with enforcement one hundred
4 eighty (180) days thereafter.
- 5 This act would take effect upon passage.

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