

ASSEMBLY THIRD READING
AB 60 (Papan)
As Amended March 24, 2025
Majority vote

SUMMARY

Prohibits, commencing January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of five specified ingredients.

Major Provisions

- 1) Prohibits, beginning January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains any of the following intentionally added ingredients:
 - a) Musk ambrette (CAS no. 83-66-9);
 - b) Musk tibetene (CAS no. 145-39-1);
 - c) Musk moskene (CAS no. 116-66-5); and,
 - d) Musk xylene (CAS no. 81-15-2).
- 2) Prohibits, beginning January 1, 2027, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce a cosmetic product that contains more than 1.4% in fine fragrance products, 0.56% in eau de toilette, and 0.042% in all other products of musk ketone (CAS no. 81-14-1).

COMMENTS

Public health concerns with cosmetics: Cosmetic products are sold to consumers across California, including to children who are still in the formative years of development. These products are used as part of daily beauty and cleansing routines, often times on the skin's most sensitive areas, like the face, eyelids, and lips. Cosmetic products are most heavily used by women, including those of childbearing age, increasing the likelihood of exposing mothers, fetuses, and nursing children to substances that can cause cancer and reproductive toxicity. That is why it is so important that cosmetic products are safe, properly labeled, and free of contamination.

What we know about the chemicals listed in the bill vis-à-vis the EU: The European Union (EU), which includes 27 member countries mostly across Europe, develops policies to ensure the free movement of people, goods, services, and capital within the internal market, and enacts legislation to maintain common policies to have cohesion amongst the 27 members on things from trade to agriculture.

The EU Cosmetics Directive (EU Directive) was adopted in 1976 and formed on the basis of commonly accepted safety standards relative to cosmetics. On September 15, 2022, the European Commission published Regulation 2022/1531 to amend Cosmetics Regulation No. 1223/2009 for the use of certain ingredients classified as carcinogenic, mutagenic, or toxic for

reproduction in cosmetic products. The EU Directive requires member states to take all necessary measures to ensure that only cosmetic products that conform to the provisions of the EU Directive and its Annexes can be put on the market. Additionally, the EU Directive requires member states to prohibit the marketing of cosmetic products containing ingredients listed in the EU Directive and its Annexes.

The intent of this bill is to be consistent with the approach of the EU's cosmetic regulation. All of the chemicals listed in AB 60 have been fully banned or otherwise restricted in the EU Directive and its Annexes and consequently the chemicals have already been removed or reduced in cosmetic products sold in the EU.

Prior legislation: AB 2762 (Muratsuchi), Chapter 314, Statutes of 2020 bans a list of specified ingredients from cosmetics products consistent with the EU's Annex II of regulation No. 1223/2009, which lists the substances prohibited in cosmetic products sold in the EU. All of the ingredients listed in this bill have been fully banned in the EU under Annex II.

In 2023, AB 496 (Friedman), Chapter 441, Statutes of 2023 amended AB 2762 by adding chemicals, already prohibited in the EU, that would be prohibited in cosmetics in California beginning January 1, 2027.

This bill is consistent with both AB 496 and AB 2762 and aligns with the EU regulations along the same lines as requested during the debate of AB 2762 and AB 496.

This bill: adds several musks to the list of chemicals prohibited to be used in cosmetics. These musks have been banned in cosmetics in the EU, with the exception of musk ketone which has been restricted (the restrictions in AB 60 mirror the restrictions in the EU). This bill is consistent with previous legislation that banned chemicals in cosmetics that had been banned by the EU.

According to the Author

"AB 60 will eliminate and restrict the use of nitro musk in everyday products like perfumes, body washes, and personal care items, thereby reducing Californians' exposure to toxic chemicals.

Nitro musks have been known to disrupt the endocrine system. The endocrine system, which governs the body's communication network, is critical to the development and regulation of the reproductive system. Endocrine-disrupting chemicals, such as nitro musks, contribute to an alarming rise in reproductive health issues, including early puberty, endometriosis, and infertility. While the EU and Canada have already banned or heavily regulated these harmful compounds, the U.S. has failed to take similar action, leaving Californians vulnerable to their effects.

By aligning California's regulations with stricter European Union safety standards, AB 60 will eliminate these unsafe ingredients from personal care products, minimizing Californians' contact with unhealthy substances. California has a responsibility to lead on environmental justice and addressing the toxins in consumer products is a vital first step. AB 60 is essential for a healthier, safer future."

Arguments in Support

According to the Environmental Working Group,

"Nitro musks are synthetic fragrance compounds widely used in personal care products, including soaps, perfumes, shampoos, and deodorants. Research has shown that these chemicals persist in the environment, contaminating water systems, accumulating in marine life, and even making their way into the food chain. Studies have detected musks in wastewater treatment plants, air, soil, and human tissue—underscoring their widespread and persistent nature.

Of even greater concern, nitro musks are known endocrine disruptors. The endocrine system plays a critical role in regulating hormones, including those essential for reproductive health. Exposure to endocrine-disrupting chemicals (EDCs) has been linked to alarming trends in early puberty, endometriosis, uterine fibroids, polycystic ovary syndrome, menstrual irregularities, and infertility. Given these risks, it is unacceptable that these chemicals remain in everyday products used by millions of Californians.

By eliminating these hazardous substances, California can reduce exposure to chemicals linked to environmental contamination and serious health risks, particularly for women and girls."

Arguments in Opposition

According to the Fragrance Creators Association,

"Fragrance Creators Association ("FCA") is writing to express our opposed unless amended position on AB 60. We appreciate your goal of limiting the use of ingredients in cosmetics that pose a risk to California consumers, and we have no reservations regarding the musk-related chemicals that AB 60 seeks to prohibit. We write to raise a concern regarding the proposal of adding concentration limits for musk ketone.

We must respectfully request that this ingredient be removed from the legislation, as the body of regulatory science does not show there is a risk to consumers as used today as established by international agencies and real-world evidence.

On a practical level, we must advise you that the current timeline – which imposes restrictions on the use of musk ketone as of January 1, 2027 – will be difficult for many companies to meet. Because it may take significant time for companies to reformulate their products, retest their reformulations, and revise labels and packaging, we ask that any restriction on musk ketone be delayed until January 1, 2029.

For these reasons, Fragrance Creators is opposed unless amended to AB 60."

FISCAL COMMENTS

This bill is keyed non-fiscal by Legislative Counsel.

VOTES

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-1-1

YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan

NO: Castillo

ABS, ABST OR NV: Hadwick

UPDATED

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CONSULTANT: Josh Tooker / E.S. & T.M. / (916) 319-3965

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