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AB-2125 Healthy Nail Salon Recognition Program. (2015-2016)

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Assembly Bill No. 2125

CHAPTER 564

An act to add Section 25257.2 to the Health and Safety Code, relating to nail salons.

[Approved by Governor September 24, 2016. Filed with Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, Chiu. Healthy Nail Salon Recognition Program.

Existing law regulates the existence and disclosure of specified chemicals and components in consumer products, including phthalates and bisphenol A. Existing law also provides for the licensing and regulation of nail salons and manicurists by the State Board of Barbering and Cosmetology within the Department of Consumer Affairs.

This bill would require the Department of Toxic Substances Control to publish guidelines for cities, counties, and cities and counties to voluntarily implement local healthy nail salon recognition (HNSR) programs. The bill would allow the guidelines to include, but not be limited to, specified criteria, such as the potential for exposure of nail salon workers and customers to chemicals. The bill would also require the department to develop a consumer education program, present the guidelines to local health officers, local environmental health departments, and other local agencies, and post specified information on its Internet Web site.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Beauty care workers, including cosmetologists and manicurists, are highly exposed to the potential harm of carcinogens and reproductive toxins in cosmetics. Cosmetologists and manicurists are predominantly women and minorities.

(b) Nail services are increasing in popularity among consumers. The money consumers spent in nail salons increased from \$7.3 billion in 2012 to \$8.54 billion in 2014.

(c) Chemicals in professional cosmetics can be harmful to salon customers, who increasingly include prepubescent girls and young women.

(d) Endocrine-disrupting chemicals can cause harm at very low levels. Some may enter the body through the skin or cuticle.

(e) Dibutyl phthalate (DBP), included in nail polish to reduce brittleness and cracking, is a reproductive and developmental toxicant that is especially harmful to pregnant women.

- (f) Developmental toxicants interfere with proper growth or health of a child, acting at any point from conception to puberty.
- (g) Toluene, a solvent found in nail polish, is a developmental and neurological toxicant that causes headaches, dizziness, and nausea, among other symptoms.
- (h) Formaldehyde, a chemical that acts as a disinfectant and as a preservative in nail polishes, is a known carcinogen. Exposure to formaldehyde in the short term can irritate the eyes, nose, throat, and skin, and in the long term exposure can cause asthma.
- (i) A number of cosmetic product manufacturers, including both small domestic producers and large multinational corporations, have eliminated certain substances that cause cancer or reproductive harm from their products.
- (j) Some local governments have already adopted successful Healthy Nail Salon Recognition Programs (HNSR programs), including the City and County of San Francisco, the Counties of Alameda, San Mateo, and Santa Clara, and the City of Santa Monica.
- (k) These local HNSR programs support nail salons that use less toxic products and practices that are safer for workers and their customers.
- (l) Given the recently enacted successful local HNSR programs, and the availability of safer alternative cosmetic products, it is in the interest of the people of the State of California to ensure that nail salons are given guidelines to operate safely for workers and consumers.

SEC. 2. Section 25257.2 is added to the Health and Safety Code, to read:

25257.2. (a) The department shall, by January 1, 2018, publish guidelines for healthy nail salon recognition (HNSR) programs voluntarily implemented by local cities and counties.

(b) The guidelines for an HNSR program adopted pursuant to subdivision (a) may include, but shall not be limited to, all of the following:

(1) A list of specific chemical ingredients that should not be used by a nail salon seeking recognition. In determining whether to include a chemical on the list, the department shall consider:

(A) Whether the chemical is identified as a candidate chemical pursuant to the regulations adopted pursuant to Section 25252.

(B) Whether an existing healthy nail salon program has restricted the use of the chemical.

(C) The potential for exposure of nail salon workers and customers to the chemical.

(D) The availability of existing, safer alternatives to the chemical in products available to nail salons in California.

(2) Specific best practices for minimizing exposure to hazardous chemicals, including:

(A) A list of specific personal protective equipment that should be used by personnel in a salon seeking recognition and guidance on when and how to use it.

(B) Engineering controls that should be adopted by salons seeking recognition, including specific ventilation practices and equipment.

(C) Prohibiting nail polishes that contain dibutyl phthalate, formaldehyde, or toluene.

(D) Prohibiting nail polish thinners that contain methyl ethyl ketone or toluene.

(E) Prohibiting nail polish removers that contain ethyl or butyl acetate.

(3) A list of specific training topics for salon owners and staff, whether on payroll or contract, on safer practices delineated in the HNSR program guidelines.

(4) Criteria for the use of outside products brought in by clients.

(5) Verification that a salon seeking recognition is in compliance with Chapter 10 (commencing with Section 7301) of Division 3 of the Business and Professions Code, and all applicable regulations enforced by the State Board of Barbering and Cosmetology.

(6) Any other guidelines or best practices determined by the department to further the goals of an HNSR program.

(c) The guidelines adopted pursuant to subdivision (a) shall include criteria for cities and counties that adopt an HNSR program. These criteria may cover, but are not limited to:

- (1) Coordination with other local HNSR programs to assist businesses in achieving and moving beyond regulatory compliance.
- (2) Training and certification requirements for the salon owners and staff to ensure thorough knowledge of safe and environmentally friendly procedures.
- (3) Issuance of an approved seal or certificate to salons that have met certification requirements.
- (4) The process by which a salon can enroll in an HNSR program and be verified by the local entity.
- (5) The frequency at which the local entity shall verify continued compliance by a salon that has previously met all specified requirements.

(d) In developing guidelines pursuant to subdivision (a), the department shall consult with the Division of Occupational Safety and Health, the State Department of Public Health, and the State Board of Barbering and Cosmetology.

(e) In collaboration with existing healthy nail salon programs, the department shall promote the HNSR guidelines developed pursuant to subdivision (a) by doing all of the following:

- (1) Developing and implementing a consumer education program.
- (2) Presenting the HNSR guidelines to local health officers, local environmental health departments, and other local agencies as appropriate.
- (3) Developing and either distributing or posting on its Internet Web site information for local entities, including, but not limited to, suggestions for successful implementation of HNSR programs and resource lists that include names and contact information of vendors, consultants, or providers of financial assistance or loans for purchases of ventilation equipment.
- (4) Developing an Internet Web site or a section on the department's Internet Web site that links to county HNSR Internet Web sites.

(f) The department may prioritize its outreach to those counties that have the greatest number of nail salons.

(g) The State Board of Barbering and Cosmetology may notify the city, county, or city and county if a recognized salon is found in violation of Article 12 of the State Board of Barbering and Cosmetology regulations. A violation shall result in the removal of healthy nail salon recognition from that salon.

(h) Nothing in this section shall prevent the adoption or enforcement of any local rules or ordinances.