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AB-916 Safer Soap Act. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 20, 2025

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 916

Introduced by Assembly Member Lee

February 19, 2025

An act to add Article 18 (commencing with Section 25259.10) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 916, as amended, Lee. Safer Soap Act.

(1) Existing law prohibits various ingredients in consumer products for the protection of the health of Californians, including, among others, perfluoroalkyl and polyfluoroalkyl substances in juvenile products, textile articles, and food packaging, and intentionally added Di(2-ethylhexyl) phthalate in intravenous solution containers, as specified.

This bill would, on and after January 1, 2028, prohibit a person, as defined, from manufacturing, selling, delivering, distributing, or offering for sale, into commerce in this state consumer body wash and hand soap, as those terms are defined, that contains a prohibited ingredient, which includes substances such as benzalkonium chloride, among others. The bill would not apply to products intended for use in health care facilities. The bill would require, on or before July 1, 2028, a manufacturer of hand soap or body wash to register with the Department of Toxic Substances Control and provide, among other things, a registration charge and a statement of compliance with the prohibition. Upon request by the department, the bill would require a manufacturer to provide technical documentation to demonstrate compliance with the prohibition, as specified.

This bill would, on or before January 1, 2028, require the department to adopt regulations to ~~implement and enforce~~ *implement, interpret, enforce, or make specific* the above provisions. The bill would require the department to specify by regulation the manner of registering and the amount of the registration charge.

This bill would require the department to issue a notice of violation to a person in violation of the prohibition, as specified. The bill would make a violation of these provisions punishable by an administrative *or civil* penalty of not less than \$10,000, as specified. The bill would authorize the Attorney General, on behalf of the department or the people of the state, to bring an action in superior

court to obtain an order restraining a person from violating any of these provisions, as specified. The bill would require penalties collected to be deposited in the Safer Soap Act Fund, which the bill would create in the State Treasury, as provided.

This bill would make it a crime for a person to willfully prevent, interfere with, or impede the lawful enforcement of these provisions, as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.

The bill would provide that the department's duties to initiate, implement, or enforce any of these requirements are contingent upon sufficient funds in the Toxic Substances Control Account, as determined by the Department of Finance, and an appropriation by the Legislature for the purposes of implementing and enforcing these requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

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

(a) The use of the antimicrobial chemicals benzalkonium chloride, benzethonium chloride, and chloroxylenol in consumer hand soaps and body washes poses significant risks to human health and the environment.

(b) Children are particularly vulnerable to the potential adverse effects of these chemicals and often use soaps with these ingredients at home and at school.

(c) Despite a lack of evidence over the added benefits of the effectiveness of antibacterial soap over regular soap, the global antibacterial soap market was valued at three billion seven hundred million dollars (\$3,700,000,000) in 2020 and is projected to reach six billion nine hundred million dollars (\$6,900,000,000) by 2030.

(d) The widespread use of these chemicals in consumer products contributes to the growing threat of antimicrobial resistance, potentially rendering certain bacteria resistant not only to these chemicals but also to critical antibiotics.

(e) Scientific research studies have found that antibacterial soaps containing these ingredients are no more effective at preventing illness than washing with regular soap and water.

(f) According to the United States Centers for Disease Control and Prevention, "studies have not found any added health benefit from using antibacterial soap... their ingredients may not be safe... and may contribute to antibiotic resistance."

(g) According to the United States Food and Drug Administration (FDA), "...there isn't sufficient evidence to show that over-the-counter (OTC) antibacterial soaps are better at preventing illness than washing with plain soap and water... In fact, some data suggests that antibacterial ingredients could do more harm than good over the long-term."

(h) Despite considerable scientific evidence of harm, the FDA has delayed regulatory action on these three chemicals for over eight years, as a result of lobbying from manufacturers and their trade associations.

(i) Soap manufacturers have been unable to provide evidence to the FDA that the antibacterial ingredients used in their antibacterial soaps are either safe or more effective than regular soap.

(j) The documented risks and lack of demonstrable benefits associated with these chemicals in consumer hand soaps and body washes necessitate immediate legislative action to protect public health.

SECTION 1:SEC. 2. Article 18 (commencing with Section 25259.10) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 18. Safer Soap Act

~~25259.10. The Legislature finds and declares all of the following:~~

~~(a) The use of the antimicrobial chemicals benzalkonium chloride, benzethonium chloride, and chloroxylenol in consumer hand soaps and body washes poses significant risks to human health and the environment.~~

~~(b) Children are particularly vulnerable to the potential adverse effects of these chemicals and often use soaps with these ingredients at home and at school.~~

~~(c) Despite a lack of evidence over the added benefits of the effectiveness of antibacterial soap over regular soap, the global~~

antibacterial soap market was valued at three billion seven hundred million dollars (\$3,700,000,000) in 2020 and is projected to reach six billion nine hundred million dollars (\$6,900,000,000) by 2030.

~~(d)The widespread use of these chemicals in consumer products contributes to the growing threat of antimicrobial resistance, potentially rendering certain bacteria resistant not only to these chemicals but also to critical antibiotics.~~

~~(e)Scientific research studies have found that antibacterial soaps containing these ingredients are no more effective at preventing illness than washing with regular soap and water.~~

~~(f)According to the United States Centers for Disease Control and Prevention, "studies have not found any added health benefit from using antibacterial soap... their ingredients may not be safe... and may contribute to antibiotic resistance."~~

~~(g)According to the United States Food and Drug Administration (FDA), "...there isn't sufficient evidence to show that over-the-counter (OTC) antibacterial soaps are better at preventing illness than washing with plain soap and water... In fact, some data suggests that antibacterial ingredients could do more harm than good over the long term."~~

~~(h)Despite considerable scientific evidence of harm, the FDA has delayed regulatory action on these three chemicals for over eight years, as a result of lobbying from manufacturers and their trade associations.~~

~~(i)Soap manufacturers have been unable to provide evidence to the FDA that the antibacterial ingredients used in their antibacterial soaps are either safe or more effective than regular soap.~~

~~(j)The documented risks and lack of demonstrable benefits associated with these chemicals in consumer hand soaps and body washes necessitate immediate legislative action to protect public health.~~

~~25259.11~~**25259.10.** For purposes of this chapter, the following definitions apply:

(a) "Body wash" means a product intended to be used with water and designed for cleansing the human body that is manufactured, sold, or distributed in this state.

(b) "Hand soap" means a product intended to be used with water and designed for ~~frequent~~ hand washing by consumers that is manufactured, sold, or distributed in this state.

(c) "Manufacturer" means a person who manufactures a body wash or hand soap, or a person who controls the manufacturing process for, or specifies the use of chemicals to be included in a body wash or hand soap.

(d) "Prohibited ingredient" means any of the following substances:

(1) Benzalkonium chloride (BZK).

(2) Benzethonium chloride (BZT).

(3) Chloroxylenol (PCMX).

25259.12. (a) On and after January 1, 2028, a person shall not manufacture, sell, deliver, distribute, or offer for sale, into commerce in this state consumer hand soap or body wash that contains a prohibited ingredient.

(b) This article does not apply to products intended for use in health care facilities, as defined in Section 1250.

(c) On or before January 1, 2028, the department shall adopt regulations to ~~implement and enforce~~ *implement, interpret, enforce, or make specific* this article.

~~25259.13~~**25259.14.** (a) On or before July 1, 2028, a manufacturer of hand soap or body wash shall, in the manner prescribed by the department pursuant to the regulations adopted pursuant to this article, register with the department and provide to the department all of the following:

(1) The name and a description of each hand soap and body wash that it manufactures.

(2) The applicable registration charge.

(3) A statement of compliance certifying that each hand soap and body wash that it manufactures is in compliance with subdivision (a) of Section 25259.12.

(b) Upon request by the department, a manufacturer shall provide technical documentation to demonstrate compliance with subdivision (a) of Section 25259.12, including, but not limited to, analytical test results.

(c) (1) On or before January 1, 2028, the department shall publish on its internet website a list of accepted testing methods for testing for the presence of prohibited ingredients in hand soap and body wash and appropriate third-party accreditations for laboratories. The department may update the list of accepted testing methods as necessary.

(2) A certification described in paragraph (3) of subdivision (a) and an analytical test described in subdivision (b) shall comply with the accepted testing methods published on the department's internet website pursuant to paragraph (1).

(d) The department shall specify by regulation the manner for registering and the amount of the registration charge. The registration charge shall not exceed the department's actual and reasonable costs of implementing this article.

~~25259.14~~**25259.16.** (a) The department shall issue a notice of violation to a person in violation of subdivision (a) of Section 25259.12 if any of the following occurs:

(1) The department's testing or a test result submitted pursuant to Section ~~25259.13~~ **25259.14** indicates that a hand soap or body wash contains a prohibited ingredient.

(2) A label on a hand soap or body wash lists a prohibited ingredient as an ingredient.

(3) The department finds a violation of this article or any regulation adopted pursuant to this article.

(b) A notice of violation shall indicate the nature of the violation and may do any of the following:

(1) Assess an administrative *or civil* penalty against a person or entity in violation of this article.

(2) Require compliance with this article, including requiring the person to cease the manufacture, sale, or distribution of a hand soap or body wash in this state.

(c) The department may receive reports of alleged violations, including analytical test results, from any person and may verify those alleged reports through its own independent testing, verification, or inspection.

~~25259.15~~**25259.18.** (a) Article 8 (commencing with Section 25180) does not apply to this article except that Section 25195 does apply to this article.

(b) A violation of this article is punishable by an administrative *or civil* penalty.

(c) The department shall determine, on a case-by-case basis, the enforcement mechanism and the amount of any administrative *or civil* penalty assessed pursuant to this article. The minimum amount of an administrative *or civil* penalty assessed shall be ten thousand dollars (\$10,000) for the first and any subsequent violation. Penalties may be assessed for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(d) In assessing the amount of ~~an administrative~~ *a civil* penalty for a violation of this article, the ~~department~~ *court* may consider all of the following:

(1) The nature and extent of the violation.

(2) The number of violations and the severity of the violations.

(3) The economic effect of the penalty on the violator.

(4) Whether the violator took good faith measures to comply with this article and when the measures were taken.

(5) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(6) Whether there were contributing environmental factors about which a reasonable person knew or should have known.

(e) The Attorney General, on behalf of the department, may bring an action in superior court and the court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this article. A proceeding under this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(f) Actions may be brought pursuant to this section by the Attorney General in the name of the people of the state at the request of the department.

(g) A prevailing plaintiff bringing an action pursuant to this article shall be awarded attorney's fees and costs by the court.

(h) (1) Penalties collected pursuant to this section shall be deposited in the Safer Soap Act Fund, which is hereby created in the State Treasury, to be used by the department, upon appropriation by the Legislature, for purposes of this article.

(2) The department's duties to initiate, implement, or enforce any requirement of this article are contingent upon sufficient funds in the Toxic Substances Control Account, as determined by the Department of Finance, and an appropriation by the Legislature for the purposes of implementing and enforcing the requirements of this article.

(3) Upon appropriation by the Legislature and subject to the determination in paragraph (2), if funds in the Toxic Substances Control Account are sufficient to finance the development of the regulations and the startup costs of the department's activities pursuant to this article, funds may be used as a loan by the department for the department to carry out this article until the Safer Soap Act Fund generates revenues sufficient to fund the department's reasonable costs of implementing this article and to reimburse any outstanding loans made from the Toxic Substances Control Account used to finance the development of the regulations and the startup costs of the department's activities pursuant to this article.

~~SEC. 2.~~**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.