

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Chiu

February 17, 2016

An act to add Chapter 14 (commencing with Section 108960) to Part 3 of Division 104 of the Health and Safety Code, relating to nail salons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as introduced, Chiu. Healthy Nail Salon Recognition Program.

Existing law regulates the existence of, 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 Department of Consumer Affairs.

This bill would require the State Department of Public Health to publish guidelines for cities, counties, and city and counties to implement local healthy nail salon recognition (HNSR) programs with specified criteria for nail salons, including the use of less toxic nail polishes and polish removers and improved ventilation. The bill would also require the department to develop awareness campaigns, model ordinances for local governments, and post specified information on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

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

3 (a) According to the State Board of Barbering and Cosmetology,
4 there are 98,613 licensed manicurists, and 41,830 licensed business
5 establishments providing manicure services. There are 253,571
6 licensed cosmetologists, many of whom work as nail salon
7 technicians.

8 (b) Beauty care workers, including cosmetologists and
9 manicurists, are highly exposed to the potential harm of
10 carcinogens and reproductive toxins in cosmetics. Cosmetologists
11 and manicurists are predominantly women and minorities. In
12 California, an estimated 80 percent of nail salons are operated by
13 Vietnamese women.

14 (c) Nail services are increasing in popularity among consumers.
15 The money consumers spent in nail salons increased from \$7.30
16 billion in 2012 to \$8.54 billion in 2014.

17 (d) Chemicals in professional cosmetics can be harmful to salon
18 customers, who increasingly include still-developing younger girls.

19 (e) It is well established that endocrine-disrupting chemicals
20 can cause harm at very low levels. Some may enter the body
21 through the skin or cuticle.

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

25 (g) Developmental toxicants interfere with proper growth or
26 health of a child, acting at any point from conception to puberty.

27 (h) Toluene, a solvent found in nail polish, is a developmental
28 and neurological toxicant that causes headaches, dizziness, and
29 nausea, among other symptoms.

30 (i) Formaldehyde, a chemical that acts as a disinfectant and as
31 a preservative in nail polishes, is a known carcinogen. Exposure
32 to formaldehyde in the short term can irritate the eyes, nose, throat
33 and skin, and in the long term exposure can cause asthma.

34 (j) Alternatives to substances that cause serious harm, including
35 cancer or reproductive toxicity, are readily available for use in
36 cosmetic products. A number of manufacturers, including both
37 small domestic producers and large multinational corporations,

1 have eliminated certain substances that cause cancer or
2 reproductive harm from their products.

3 (k) Some local governments have already adopted successful
4 Healthy Nail Salon Recognition Programs (HNSR programs),
5 including the City and County of San Francisco, the Counties of
6 Alameda, San Mateo, and Santa Clara, and the City of Santa
7 Monica.

8 (l) These local HNSR programs support nail salons that use less
9 toxic products and practices that are safer for workers and their
10 customers.

11 (m) Given the presence of substances in cosmetic products that
12 cause cancer and reproductive toxicity and other serious adverse
13 impacts, the heavy use of these products by women of childbearing
14 age, the increasing use of manicure services among consumers
15 including still-developing younger girls, the significant exposure
16 to these products in occupational settings such as nail and beauty
17 salons, the recently enacted successful local HNSR programs, and
18 the availability of safer alternative products, it is in the interest of
19 the people of the State of California to take steps to ensure that
20 nail salons are given guidelines to operate safely for workers and
21 consumers, support local solutions to reduce potentially harmful
22 chemical exposures among customers and workers, determine the
23 success of the HNSR programs in reducing harmful exposures
24 experienced by nail salon customers and workers, and make
25 recommendations for program improvements, as appropriate.

26 SEC. 2. Chapter 14 (commencing with Section 108960) is
27 added to Part 3 of Division 104 of the Health and Safety Code, to
28 read:

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30 CHAPTER 14. HEALTHY NAIL SALON RECOGNITION PROGRAM

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32 108960. (a) The State Department of Public Health shall
33 publish guidelines for cities, counties, and cities and counties to
34 implement local healthy nail salon recognition (HNSR) programs.

35 (b) Qualifications for an HNSR program may include, but are
36 not limited to, all of the following:

37 (1) The salon shall choose nail polishes that do not contain
38 dibutyl phthalate (DBP), toluene, or formaldehyde.

39 (2) The salon shall use safer nail polish removers, including,
40 but not limited to, acetone.

1 (3) The salon shall avoid using nail polish thinners unless
2 absolutely necessary. When the salon does use thinners, those
3 products should not contain toluene and methyl ethyl ketone
4 (MEK).

5 (4) The salon shall ensure that all nail salon staff wear nitrile
6 gloves when using nail products.

7 (5) The salon shall be ventilated to improve air quality. A
8 specific area shall be designated for artificial nail services and that
9 area shall be properly ventilated.

10 (6) The salon shall install mechanical ventilation units within
11 one year of entering the recognition program, if not already in use.

12 (7) All salon staff, whether on payroll or on contract, and owners
13 shall be trained on safer practices.

14 (8) The salon shall allow appropriate local staff to monitor air
15 quality within the salon.

16 (9) The salon shall be committed to trying and adopting safer
17 artificial nail products.

18 (10) The salon shall not allow clients to bring in products for
19 use, unless those products meet the program criteria, as determined
20 by staff.

21 (11) The salon shall be in compliance with Chapter 10
22 (commencing with Section 7301) of Division 3 of the Business
23 and Professions Code.

24 (c) The department shall promote the HNSR program established
25 pursuant to this chapter by doing all of the following:

26 (1) Solicit and support voluntary implementation of HNSR
27 programs through awareness campaigns directed at nail salon
28 business owners and local governments.

29 (2) Develop and implement a consumer education program to
30 promote awareness about HNSR programs.

31 (3) Develop and adopt one or more models for an HNSR
32 program or ordinance that local governments may adopt and
33 implement to reduce chemical exposure and improve the health
34 and safety of consumers and workforce members at nail salons.

35 (4) Consult with representatives of local agencies with existing
36 HNSR programs, personnel of private nonprofit entities who have
37 experience and skills in implementing HNSR programs, and
38 members of affected communities, among others, throughout the
39 development of the model program or ordinance.

1 (5) Develop and either distribute or post on its Internet Web
2 site information for local entities, including, but not limited to,
3 suggestions for successful implementation of HNSR programs and
4 resource lists that include names and contact information of
5 vendors, consultants, or providers of financial assistance or loans
6 for purchases of ventilation equipment.

7 (6) Develop an Internet Web site or a section on the
8 department's Internet Web site that links to county HNSR
9 programs, if the county has an Internet Web site available, and
10 recognized salons.

11 108961. (a) A city, county, or city and county that institutes
12 a local HNSR program pursuant to this chapter is encouraged to
13 do all of the following:

14 (1) Coordinate with other local HNSR programs to assist
15 businesses with achieving and moving beyond regulatory
16 compliance.

17 (2) Encourage businesses to implement strategies to reduce
18 toxic exposures to chemicals in nail salon products, improve
19 ventilation strategies, and achieve greater understanding of products
20 and their impacts on health.

21 (3) Promote improved community health outcomes, economic
22 vitality, and sustainable business approaches.

23 (4) Provide small businesses with a level and quality of
24 consultation on environmentally preferable business practices to
25 which small businesses otherwise may have limited access.

26 (5) Require a training element for owners and staff to ensure
27 thorough knowledge of safe and environmentally friendly
28 procedures.

29 (6) Provide an approved seal or certificate upon meeting all
30 requirements to be hung in full public view in the business.