

AMENDED IN ASSEMBLY APRIL 5, 2016
AMENDED IN ASSEMBLY MARCH 31, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2125

**Introduced by Assembly Member Chiu
(Coauthor: Assembly Member Roger Hernández)**

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 amended, 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 State Department of Public Health to ~~publish guidelines~~ *publish guidelines, including one or more model ordinances*, for cities, counties, and city and counties to voluntarily 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 \$7.3
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 prepubescent girls and young
19 women.

20 (e) Endocrine-disrupting chemicals can cause harm at very low
21 levels. Some may enter the body 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

1 cosmetic products. A number of manufacturers, including both
2 small domestic producers and large multinational corporations,
3 have eliminated certain substances that cause cancer or
4 reproductive harm from their products.

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

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

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

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

32

33 CHAPTER 14. HEALTHY NAIL SALON RECOGNITION PROGRAM

34

35 108960. (a) The State Department of Public Health shall, by
36 January 1, 2018, publish ~~guidelines and best practices~~ *guidelines*,
37 *including one or more model ordinances*, for cities, counties, and
38 cities and counties to voluntarily implement local healthy nail
39 salon recognition (HNSR) programs.

1 (b) ~~Qualifications~~ *The guidelines, including the model ordinance*
2 *or ordinances,* for an HNSR program may include, but are not
3 limited to, all of the ~~following~~: *following qualifications:*

4 (1) The salon shall not use any cosmetic product that contains
5 any of the following:

6 (A) Any ingredient, as defined in subdivision (d) of Section
7 111791.5, that is a chemical classified by the United States
8 Environmental Protection Agency as carcinogenic to humans,
9 likely to be carcinogenic to humans, or for which there is
10 suggestive evidence of carcinogenic potential, or identified by the
11 state to cause cancer as listed in the Safe Drinking Water and Toxic
12 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
13 25249.5) of Division 20) list of chemicals known to cause cancer
14 or reproductive toxicity.

15 (B) Any ingredient, as defined in subdivision (d) of Section
16 111791.5, that is a reproductive toxicant that causes birth defects,
17 reproductive harm, or developmental harm as identified by the
18 United States Environmental Protection Agency, or listed in the
19 Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter
20 6.6 (commencing with Section 25249.5) of Division 20) list of
21 chemicals known to cause cancer or reproductive toxicity.

22 (C) Dibutyl phthalate (DBP), formaldehyde, toluene, or methyl
23 ethyl ketone.

24 (2) The salon shall ensure that all nail salon staff wear nitrile
25 or other gloves determined to be sufficiently protective when using
26 nail products.

27 (3) The salon shall be ventilated to improve air quality. A
28 specific area shall be designated for artificial nail services and that
29 area shall be properly ventilated with mechanical ventilation units.

30 (4) All salon staff, whether on payroll or on contract, and owners
31 shall be trained on safer practices delineated in the HNSR program
32 guidelines.

33 (5) The salon shall not allow clients to bring in outside products
34 for use, unless those products meet the program criteria, as
35 determined by salon staff.

36 (6) The salon shall be in compliance with Chapter 10
37 (commencing with Section 7301) of Division 3 of the Business
38 and Professions Code.

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

1 (c) *The model ordinance required pursuant to subdivision (a)*
2 *shall impose, but not be limited to, all of the following requirements*
3 *on a local entity that adopts a HNSR program:*

4 (1) *Coordinate with other local HNSR programs to assist*
5 *businesses in achieving and moving beyond regulatory compliance.*

6 (2) *Encourage businesses to implement strategies to reduce*
7 *toxic exposures to chemicals in nail salon products, improve*
8 *ventilation strategies, and achieve greater understanding of*
9 *products and their impacts on health.*

10 (3) *Promote improved community health outcomes, economic*
11 *vitality, and sustainable business approaches.*

12 (4) *Require training for the salon owners and staff to ensure*
13 *thorough knowledge of safe and environmentally friendly*
14 *procedures.*

15 (5) *Provide an approved seal or certificate to a salon that has*
16 *met all specified requirements, required to be displayed in full*
17 *public view in the salon location.*

18 (6) *Establish a process by which a salon can enroll in an HNSR*
19 *program and be verified by the local entity.*

20 (7) *Establish the frequency at which the local entity shall verify*
21 *continued compliance by a salon that has previously met all*
22 *specified requirements.*

23 (d) *The State Department of Public Health shall, throughout*
24 *the process of developing guidelines pursuant to subdivision (a),*
25 *consult with the Division of Occupational Safety and Health,*
26 *representatives of local agencies with existing HNSR programs,*
27 *personnel of private nonprofit entities who have experience and*
28 *skills in implementing HNSR programs, and members of affected*
29 *communities, among others.*

30 (e)

31 (e) *The department shall promote the HNSR program established*
32 *pursuant to this chapter by doing all of the following:*

33 (1) *Solicit and support voluntary implementation of HNSR*
34 *programs through awareness campaigns directed at nail salon*
35 *business owners and local governments.*

36 (2) *Develop and implement a consumer education program to*
37 *promote awareness about HNSR programs.*

38 ~~(3) *Develop and adopt one or more model ordinances that local*~~
39 ~~*entities may adopt to implement an HNSR program. The model*~~

1 ordinance shall direct local entities to, at a minimum, do all of the
 2 following:

3 ~~(A) Coordinate with other local HNSR programs to assist~~
 4 ~~businesses in achieving and moving beyond regulatory compliance.~~

5 ~~(B) Encourage businesses to implement strategies to reduce~~
 6 ~~toxic exposures to chemicals in nail salon products, improve~~
 7 ~~ventilation strategies, and achieve greater understanding of products~~
 8 ~~and their impacts on health.~~

9 ~~(C) Promote improved community health outcomes, economic~~
 10 ~~vitality, and sustainable business approaches.~~

11 ~~(D) Require a training element for owners and staff to ensure~~
 12 ~~thorough knowledge of safe and environmentally friendly~~
 13 ~~procedures.~~

14 ~~(E) Provide an approved seal or certificate upon meeting all~~
 15 ~~requirements to be hung in full public view in the business.~~

16 ~~(F) Establish a process by which a salon can enroll in an HNSR~~
 17 ~~program and be verified by the local entity.~~

18 ~~(G) Establish the frequency at which salon compliance will be~~
 19 ~~reverified by the local entity.~~

20 ~~(4) Consult with the Division of Occupational Safety and Health,~~
 21 ~~representatives of local agencies with existing HNSR programs,~~
 22 ~~personnel of private nonprofit entities who have experience and~~
 23 ~~skills in implementing HNSR programs, and members of affected~~
 24 ~~communities, among others, throughout the development of the~~
 25 ~~model program or ordinance.~~

26 ~~(5)~~

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

33 ~~(6)~~

34 (4) Develop an Internet Web site or a section on the
 35 department's Internet Web site that links to county HNSR Internet
 36 Web sites.

37 ~~(d)~~

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

- 1 highest pollution burdens and vulnerabilities as determined by
- 2 CalEnviroScreen.

O