

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Chiu
(~~Coauthor: Assembly Member Roger Hernández~~)
(Coauthors: Assembly Members Bonta, Chu, Gonzalez,
Roger Hernández, Low, and Ting)
(Coauthor: Senator Pan)

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, including one or more model ordinances,~~ *guidelines* for cities, counties, and ~~city~~ *cities* 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,~~ *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.
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~~ *129,015* licensed manicurists, and ~~41,830~~ *52,680*
5 licensed business establishments providing manicure services.
6 There are ~~253,571~~ *312,215* licensed cosmetologists, many of whom
7 work as nail salon 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

1 to formaldehyde in the short term can irritate the eyes, nose, throat,
2 and skin, and in the long term exposure can cause asthma.

3 (j) Alternatives to substances that cause serious harm, including
4 cancer or reproductive toxicity, are readily available for use in
5 cosmetic products. A number of manufacturers, including both
6 small domestic producers and large multinational corporations,
7 have eliminated certain substances that cause cancer or
8 reproductive harm from their products.

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

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

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

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

36
37 CHAPTER 14. HEALTHY NAIL SALON RECOGNITION PROGRAM

38
39 108960. (a) The State Department of Public Health shall, by
40 January 1, 2018, publish ~~guidelines, including one or more model~~

1 ~~ordinances~~, *guidelines* for cities, counties, and cities and counties
 2 to voluntarily implement local healthy nail salon recognition
 3 (HNSR) programs.

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

7 (1) The salon shall not use ~~any cosmetic product that contains~~
 8 any of the following:

9 (A) Any ingredient, as defined in subdivision (d) of Section
 10 111791.5, that is a chemical classified by the United States
 11 Environmental Protection Agency as carcinogenic to humans,
 12 likely to be carcinogenic to humans, or for which there is
 13 suggestive evidence of carcinogenic potential, or identified by the
 14 state to cause cancer as listed in the Safe Drinking Water and Toxic
 15 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
 16 25249.5) of Division 20) list of chemicals known to cause cancer
 17 or reproductive toxicity.

18 (B) Any ingredient, as defined in subdivision (d) of Section
 19 111791.5, that is a reproductive toxicant that causes birth defects,
 20 reproductive harm, or developmental harm as identified by the
 21 United States Environmental Protection Agency, or listed in the
 22 Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter
 23 6.6 (commencing with Section 25249.5) of Division 20) list of
 24 chemicals known to cause cancer or reproductive toxicity.

25 ~~(C) Dibutyl phthalate (DBP), formaldehyde, toluene, or methyl~~
 26 ~~ethyl ketone.~~

27 *(C) Nail polishes that contain dibutyl phthalate (DBP),*
 28 *formaldehyde, or toluene.*

29 *(D) Nail polish thinners that contain methyl ethyl ketone or*
 30 *toluene.*

31 *(E) Nail polish removers that contain ethyl or butyl acetate.*

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

35 (3) The salon shall be ventilated to improve air quality. A
 36 specific area shall be designated for artificial nail ~~services~~ *services*,
 37 and that area shall be properly ventilated with mechanical
 38 ventilation units.

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

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

7 (6) The salon shall be in compliance with Chapter 10
8 (commencing with Section 7301) of Division 3 of the Business
9 and Professions Code, and all relevant regulations enforced
10 by the State Board of Barbering and Cosmetology.

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

13 (c) ~~The model ordinance guidelines~~ required pursuant to
14 subdivision (a) shall impose, but not be limited to, all of the
15 following requirements on a ~~local entity~~ city, county, or city and
16 county that adopts a ~~an~~ HNSR program:

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

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

23 ~~(3) Promote improved community health outcomes, economic~~
24 ~~vitality, and sustainable business approaches.~~

25 ~~(4)~~

26 (2) Require training for the salon owners and staff to ensure
27 thorough knowledge of safe and environmentally friendly
28 procedures.

29 ~~(5)~~

30 (3) Provide an approved seal or certificate to a salon that has
31 met all specified requirements, required to be displayed in full
32 public view in the salon location.

33 ~~(6)~~

34 (4) Establish a process by which a salon can enroll in an HNSR
35 program and be verified by the local entity.

36 ~~(7)~~

37 (5) Establish the frequency at which the local entity shall verify
38 continued compliance by a salon that has previously met all
39 specified requirements.

1 (d) The State Department of Public Health shall, throughout the
 2 process of developing guidelines pursuant to subdivision (a),
 3 consult with the Division of Occupational Safety and Health,
 4 representatives of local agencies with existing HNSR programs,
 5 personnel of private nonprofit entities who have experience and
 6 skills in implementing HNSR programs, and members of affected
 7 communities, among others: *Health and the State Board of*
 8 *Barbering and Cosmetology.*

9 (e) The department shall promote the HNSR program guidelines
 10 established pursuant to this chapter by doing all of the following:

11 ~~(1) Solicit and support voluntary implementation of HNSR~~
 12 ~~programs through awareness campaigns directed at nail salon~~
 13 ~~business owners and local governments.~~

14 ~~(2)~~

15 (1) Develop and implement a consumer education program to
 16 promote awareness about HNSR programs.

17 (2) *Present the HNSR guidelines to local health officers, local*
 18 *environmental health departments, and other local agencies as*
 19 *the department deems appropriate.*

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

26 (4) Develop an Internet Web site or a section on the
 27 department’s Internet Web site that links to county HNSR Internet
 28 Web sites.

29 (f) The department may prioritize its outreach to those counties
 30 that have the greatest number of nail salons and that have the
 31 highest pollution burdens and vulnerabilities as determined by
 32 CalEnviroScreen: salons.

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

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