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111TH CONGRESS
1ST SESSION

S. 925

To direct the Secretary of Health and Human Services to study the presence of contaminants and impurities in cosmetics and personal care products marketed to and used by children.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2009

Mrs. GILLIBRAND (for herself, Mrs. FEINSTEIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To direct the Secretary of Health and Human Services to study the presence of contaminants and impurities in cosmetics and personal care products marketed to and used by children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Baby Products Act of 2009''.

SEC. 2. TESTING AND REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING IMPURITIES AND CONTAMINANTS IN PRODUCTS MARKETED TO OR USED BY CHILDREN.

(a) DEFINITIONS.—In this Act—

(1) the term ''cosmetic'' has the meaning given that term in section 201(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(i)); and

(2) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) PRODUCT TESTING.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct and complete product testing of a full range of cosmetics, personal care products (including baby shampoo, baby bath, lipstick, nail polish, lotion, cream, sunscreen, liquid soap, and baby wipes), and other products deemed appropriate by the Secretary, that—

(1) are marketed to or used by children aged 7 years and younger; and

(2) are likely contaminated with impurities or contaminants, including 1,4-dioxane, nitrosamines, polycyclic aromatic hydrocarbons (commonly referred to as ''PAHs''), acrylamide, ethylene oxide, dioxin, 1,3-butadiene, formaldehyde, lead, and hydroquinone.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall—

(1) submit to Congress a report that describes the results of the product testing conducted under subsection (b); and

(2) make such report available to the public.

(d) GOOD MANUFACTURING PRACTICES REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall by regulation establish good manufacturing practices for the cosmetics industry for each impurity or contaminant (as described in subsection (b)) regarding which contaminants or impurities may be reduced or eliminated in cosmetics and personal care products (as described in such subsection) by switching to alternate ingredients or which manufacturing processes or practices may reduce or eliminate impurities from raw materials.

(2) ENFORCEMENT.—If the manufacture of a cosmetic is not in compliance with the good manufacturing practices regulations promulgated under paragraph (1), such cosmetic shall be deemed adul-

terated under section 601 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 361).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

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