

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Baby Products  
5 Act of 2009”.

1 **SEC. 2. TESTING AND REPORT BY THE FOOD AND DRUG AD-**  
2 **MINISTRATION REGARDING IMPURITIES AND**  
3 **CONTAMINANTS IN PRODUCTS MARKETED TO**  
4 **OR USED BY CHILDREN.**

5 (a) DEFINITIONS.—In this Act—

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

9 (2) the term “Secretary” means the Secretary  
10 of Health and Human Services.

11 (b) PRODUCT TESTING.—Not later than 180 days  
12 after the date of enactment of this Act, the Secretary, act-  
13 ing through the Commissioner of Food and Drugs, shall  
14 conduct and complete product testing of a full range of  
15 cosmetics, personal care products (including baby sham-  
16 poo, baby bath, lipstick, nail polish, lotion, cream, sun-  
17 screen, liquid soap, and baby wipes), and other products  
18 deemed appropriate by the Secretary, that—

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

21 (2) are likely contaminated with impurities or  
22 contaminants, including 1,4-dioxane, nitrosamines,  
23 polycyclic aromatic hydrocarbons (commonly referred  
24 to as “PAHs”), acrylamide, ethylene oxide, dioxin,  
25 1,3-butadiene, formaldehyde, lead, and hydro-  
26 quinone.

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

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

7 (2) make such report available to the public.

8 (d) GOOD MANUFACTURING PRACTICES REGULA-  
9 TIONS.—

10 (1) IN GENERAL.—Not later than 1 year after  
11 the date of enactment of this Act, the Secretary, act-  
12 ing through the Commissioner of Food and Drugs,  
13 shall by regulation establish good manufacturing  
14 practices for the cosmetics industry for each impu-  
15 rity or contaminant (as described in subsection (b))  
16 regarding which contaminants or impurities may be  
17 reduced or eliminated in cosmetics and personal care  
18 products (as described in such subsection) by switch-  
19 ing to alternate ingredients or which manufacturing  
20 processes or practices may reduce or eliminate impu-  
21 rities from raw materials.

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

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

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