Oregon's Toxic-Free Cosmetic Act takes effect January 1, 2027

Are your company's cosmetic products affected?

The Oregon Legislature passed legislation in 2023 that regulates certain chemicals in cosmetic products effective **January 1, 2027**. The regulation includes a prohibition on the sale of cosmetic products that contain certain intentionally added chemicals (Oregon Revised Statute (ORS) 431A.345). It also requires manufacturers to provide notice to consumers on the manufacturer's website if their cosmetic product contains a chemical on the list of high priority chemicals used in cosmetic products adopted Oregon Administrative Rule (OAR) by the Oregon Health Authority (OHA).

➢ Prohibited Chemicals in Cosmetic Products Sold in Oregon

Beginning **January 1, 2027**, cosmetic products cannot be sold, distributed, or made available in Oregon if they contain any of the following intentionally added chemicals at de minimis levels:

- Ortho-phthalates
- PFAS (Perfluoroalkyl and polyfluoroalkyl substances)
- Formaldehyde and formaldehyde-releasing agents
- Methylene glycol
- Mercury and mercury compounds
- Triclosan
- m-Phenylenediamine and its salts
- o-Phenylenediamine and its salts
- Lead or lead compounds (10 parts per million or higher).

➢ Notice Requirement for High Priority Chemicals

Starting **January 1, 2027**, manufacturers must provide an online notice for Oregon consumers if a cosmetic product contains **High Priority Chemicals Used in Cosmetic Products (HPCs)** at or above de minimis levels. This applies to chemicals that are intentionally added or present as contaminants at 100 parts per million or higher. The notice must appear on the manufacturer's website. Specific notification requirements, including de minimis levels, will be defined in Oregon Administrative Rules (OARs).

Rulemaking and Enforcement

OHA has drafted OARs to implement the Oregon Toxic-Free Cosmetics Act. A committee that included representatives of cosmetic manufactures and health advocates advised on the development of the rules.

Visit OHA's Toxic-Free Cosmetics Rules and Implementation webpage to view the proposed OARs and for details on how to provide public comments. Compliance guidance will be posted here as well. The new regulations will take effect **January 1, 2027**, and be available as OAR 333-016-4001 - 333-016-4080. OHA's initial priority will be compliance assistance with cosmetic products with prohibited chemicals at or above de minimis. Its second priority will be helping manufacturers comply with HPC notification requirements on their websites.

Questions? Please visit healthoregon.org/toxicfreecosmetics or email ToxicFreeCosmetics@oha.oregon.gov.