

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 26-1135

BY REPRESENTATIVE(S) English and Joseph, Bacon, Brown, Carter, Duran, Goldstein, Jackson, Lieder, Lindsay, Mabrey, Nguyen, Rutinel, Sirota, Phillips, Ricks, Valdez;  
also SENATOR(S) Benavidez and Marchman, Amabile, Cutter, Danielson, Exum, Hinrichsen, Jodeh, Kipp, Kolker, Rodriguez, Snyder, Weissman, Coleman.

CONCERNING INCREASED TRANSPARENCY REGARDING CHEMICALS USED IN  
THE PROCESSING OF CERTAIN HAIR PRODUCTS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds that Coloradans deserve access to personal care products that are safe, advertised transparently, and free from hidden health risks.

(2) The general assembly further finds that certain hair products, including hair relaxers and hairpieces, are disproportionately marketed to and used by communities that have historically faced elevated exposure to harmful chemicals and related health disparities.

(3) The general assembly further finds that consistency in warning

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

label requirements for similar products benefits both consumers and manufacturers by promoting clarity and reducing unnecessary burdens. In developing these requirements, it is the intent of the general assembly that Colorado establish its own requirements that:

(a) Meet or exceed comparable consumer protection standards; and

(b) Align with applicable federal law and guidance, including new or updated classifications of the International Agency for Research on Cancer established by the World Health Organization, the secretary of the federal department of health and human services, the United States environmental protection agency, and other applicable agencies.

(4) The general assembly therefore determines that it is essential to promote informed consumer choice, advance public health, and encourage safer product formulation by ensuring clear and consistent disclosure when hair relaxer products and hairpiece products contain chemicals known to cause cancer or reproductive harm.

**SECTION 2.** In Colorado Revised Statutes, **add** 25-5-429 as follows:

**25-5-429. Chemicals used in hair relaxers and hairpieces - warning labels - deceptive trade practice - short title - definitions.**

(1) THE SHORT TITLE OF THIS SECTION IS THE "HAIR PRODUCT TRANSPARENCY AND SAFETY ACT".

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CARCINOGEN" MEANS A CHEMICAL IDENTIFIED AS:

(I) A "GROUP 1 CARCINOGEN" OR "GROUP 2A CARCINOGEN" BY THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER ESTABLISHED BY THE WORLD HEALTH ORGANIZATION;

(II) A "KNOWN TO BE A HUMAN CARCINOGEN" OR "REASONABLY ANTICIPATED TO BE A HUMAN CARCINOGEN" BY THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE

FEDERAL "PUBLIC HEALTH SERVICE ACT", 42 U.S.C. SEC. 241 (b)(4); OR

(III) A "GROUP A CARCINOGEN" OR "GROUP B CARCINOGEN" BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(b) "CHEMICAL" MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR COMPOSITION OR A GROUP OF STRUCTURALLY RELATED SUBSTANCES AND INCLUDES THE BREAKDOWN PRODUCTS OF THE SUBSTANCE OR SUBSTANCES THAT FORM THROUGH DECOMPOSITION, DEGRADATION, OR METABOLISM.

(c) "COVERED HAIR PRODUCT" MEANS A HAIR RELAXER PRODUCT OR A HAIRPIECE PRODUCT.

(d) "HAIRPIECE PRODUCT" MEANS A HAIR EXTENSION, A WIG, OR OTHER HAIRPIECE PRODUCT, INCLUDING DECORATIVE HAIR ADORNMENTS.

(e) "HAIR RELAXER PRODUCT" MEANS A PRODUCT TOPICALLY APPLIED TO HAIR FOR THE PURPOSES OF WEAKENING THE STRUCTURE AND CURLINESS OF THE HAIR FIBER AND ALLOWING FOR A STRAIGHTENING OF THE HAIR.

(f) (I) "INTENTIONALLY ADDED" MEANS A CHEMICAL THAT IS PURPOSEFULLY INTRODUCED TO A COVERED HAIR PRODUCT BY A MANUFACTURER AND THAT REMAINS IN THE COVERED HAIR PRODUCT AS SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE IN A CONCENTRATION GREATER THAN ONE HUNDRED PARTS PER MILLION OR ABOVE A THRESHOLD IDENTIFIED BY AN ENTITY DESCRIBED IN SUBSECTION (2)(a) OR (2)(i) OF THIS SECTION AS INJURIOUS TO HUMAN HEALTH, WHICHEVER IS LOWER.

(II) "INTENTIONALLY ADDED" DOES NOT INCLUDE THE INCIDENTAL PRESENCE OF A CHEMICAL.

(g) "INCIDENTAL PRESENCE" MEANS THE UNINTENTIONAL PRESENCE OF A CHEMICAL, AS A NONESSENTIAL RAW MATERIAL, A BYPRODUCT OF A RAW MATERIAL, OR A PROCESSING AGENT, USED DURING THE MANUFACTURING PROCESS OF A COVERED HAIR PRODUCT IF THE CHEMICAL IS INHERENT TO OR RESULTS FROM THE MANUFACTURING PROCESS.

(h) (I) "MANUFACTURER" MEANS A PERSON THAT MANUFACTURES

A COVERED HAIR PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO A COVERED HAIR PRODUCT.

(II) "MANUFACTURER" INCLUDES, IN THE CASE OF A COVERED HAIR PRODUCT THAT IS IMPORTED INTO THE UNITED STATES, THE IMPORTER OR FIRST DOMESTIC DISTRIBUTOR OF THE COVERED HAIR PRODUCT IF THE PERSON THAT MANUFACTURES THE COVERED HAIR PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE COVERED HAIR PRODUCT DOES NOT HAVE A PRESENCE IN THE UNITED STATES.

(i) "REPRODUCTIVE TOXICANT" MEANS A CHEMICAL IDENTIFIED AS A REPRODUCTIVE OR A DEVELOPMENTAL TOXICANT BY THE CENTER FOR THE EVALUATION OF RISKS TO HUMAN REPRODUCTION ESTABLISHED BY THE NATIONAL TOXICOLOGY PROGRAM.

(3) (a) ON AND AFTER JULY 1, 2027, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR DISTRIBUTE A COVERED HAIR PRODUCT IN THE STATE, INCLUDING THROUGH AN INTERNET TRANSACTION, THAT CONTAINS AN INTENTIONALLY ADDED CARCINOGEN OR A REPRODUCTIVE TOXICANT UNLESS THE COVERED HAIR PRODUCT INCLUDES A CLEAR AND CONSPICUOUS WARNING LABEL OR, IN THE CASE OF AN INTERNET TRANSACTION, A CLEAR AND CONSPICUOUS ONLINE WARNING STATEMENT THAT NOTIFIES THE CONSUMER AT THE TIME OF SALE THAT THE COVERED HAIR PRODUCT CONTAINS AN INTENTIONALLY ADDED CARCINOGEN OR REPRODUCTIVE TOXICANT.

(b) THE CLEAR AND CONSPICUOUS WARNING LABEL OR ONLINE WARNING STATEMENT DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION MUST BE PRINTED IN NO LESS THAN SIZE TWELVE-POINT FONT AND MUST STATE:

(I) IF THE COVERED HAIR PRODUCT CONTAINS AN INTENTIONALLY ADDED CARCINOGEN, "THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO CAUSE CANCER";

(II) IF THE COVERED HAIR PRODUCT CONTAINS AN INTENTIONALLY ADDED REPRODUCTIVE TOXICANT, "THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO CAUSE BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM"; OR

(III) IF THE COVERED HAIR PRODUCT CONTAINS BOTH AN

INTENTIONALLY ADDED CARCINOGEN AND AN INTENTIONALLY ADDED REPRODUCTIVE TOXICANT, "THIS PRODUCT CONTAINS CHEMICALS KNOWN TO CAUSE CANCER AND BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM".

(4) ON AND AFTER JULY 1, 2028, THE ATTORNEY GENERAL MAY ADOPT RULES UPDATING THE WARNING LABEL REQUIREMENT DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(5) A VIOLATION OF THIS SECTION BY A MANUFACTURER CONSTITUTES A DECEPTIVE TRADE PRACTICE UNDER SECTION 6-1-105 (1)(rrrr).

(6) THIS SECTION DOES NOT APPLY TO A COVERED HAIR PRODUCT THAT IS SOLD OR DISTRIBUTED TO A COMMERCIAL ENTITY FOR PROFESSIONAL USE AND IS NOT OFFERED FOR RETAIL SALE TO A CONSUMER IN THE STATE.

**SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(rrrr) as follows:

**6-1-105. Unfair or deceptive trade practices - definitions.**

(1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(rrrr) VIOLATES SECTION 25-5-429.

**SECTION 4. Applicability.** This act applies to conduct occurring on or after the effective date of this act.

**SECTION 5. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO