

119TH CONGRESS
1ST SESSION

H. R. 4434

To amend title VI of the Federal Food, Drug, and Cosmetic Act to ensure the supply chain transparency needed for companies to make safe cosmetics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2025

Ms. SCHAKOWSKY (for herself, Mrs. DINGELL, Mr. EVANS of Pennsylvania, Mr. KHANNA, Ms. NORTON, Mr. THANEDAR, Ms. TLAIB, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title VI of the Federal Food, Drug, and Cosmetic Act to ensure the supply chain transparency needed for companies to make safe cosmetics, and for other purposes.

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 “Cosmetic Supply Chain
5 Transparency Act of 2025”.

1 **SEC. 2. COSMETIC REGULATION.**

2 Chapter VI of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 361 et seq.) is amended—

4 (1) by inserting before section 601 the fol-
5 lowing:

6 **“Subchapter A—Adulterated and Misbranded**
7 **Cosmetics”;**

8 (2) in section 614, by amending subsection (b)
9 to read as follows:

10 “(b) LIMITATIONS.—

11 “(1) IN GENERAL.—Notwithstanding subsection
12 (a), nothing in this section shall be construed to pre-
13 vent any State (or a political subdivision thereof)
14 from—

15 “(A) prohibiting the use or limiting the
16 amount of an ingredient in a cosmetic product;

17 “(B) continuing to implement a require-
18 ment of such State (or a political subdivision
19 thereof) that is in effect at the time of enact-
20 ment of the Modernization of Cosmetics Regu-
21 lation Act of 2022 for the reporting to the
22 State (or a political subdivision thereof) of an
23 ingredient in a cosmetic product; and

24 “(C) implementing a requirement of such
25 State (or a political subdivision thereof), or con-

1 continuing to implement a requirement that is in
2 effect at the time of enactment of the Cosmetic
3 Supply Chain Transparency Act of 2025, that
4 provides greater transparency, disclosure, or
5 protection than the amendments made by such
6 Act, with respect to—

7 “(i) cosmetic ingredients;

8 “(ii) the practices used in the manu-
9 facture of cosmetics (and the ingredients
10 thereof); or

11 “(iii) the disclosure of information
12 with respect to such ingredients or such
13 practices.

14 “(2) MODERNIZATION OF COSMETICS REGULA-
15 TION ACT OF 2022.—Nothing in the amendments to
16 this Act made by the Modernization of Cosmetics
17 Regulation Act of 2022 shall be construed to pre-
18 empt any State statute, public initiative, ref-
19 erendum, regulation, or other State action, except as
20 expressly provided in subsection (a).”; and

21 (3) by adding at the end the following:

22 **“Subchapter B—Supply Chain Transparency**

23 **“SEC. 621. DEFINITIONS.**

24 “In this subchapter:

1 “(1) BRAND OWNER.—The term ‘brand owner’
2 means the entity responsible for bringing a cosmetic
3 to market.

4 “(2) FLAVOR OR FRAGRANCE COMPANY.—The
5 term ‘flavor or fragrance company’ means an entity
6 that makes or supplies fragrance or flavor ingredi-
7 ents or fragrance or flavor formulations.

8 “(3) FORMULATING LABORATORY.—The term
9 ‘formulating laboratory’ means an entity that sup-
10 plies a finished cosmetic product to a retailer or cos-
11 metic company to sell under the retailer or cosmetic
12 company’s brand name.

13 “(4) HARMFUL TO HUMAN HEALTH OR THE
14 ENVIRONMENT.—The phrase ‘harmful to human
15 health or the environment’ means, with respect to a
16 nonfunctional constituent—

17 “(A) being—

18 “(i) a reproductive or developmental
19 toxicant;

20 “(ii) persistent, bioaccumulative, and
21 toxic;

22 “(iii) an allergen; or

23 “(iv) an endocrine disruptor, car-
24 cinogen, or mutagen; and

1 “(B) present on the most recent version in
2 effect of any of the following lists:

3 “(i) Chapter 6.6 of the California
4 Safe Drinking Water and Toxic Enforce-
5 ment Act of 1986 (sections 25249.5
6 through 25249.14 of the California Health
7 and Safety Code), List of Reproductive
8 and Developmental Toxicants and Carcino-
9 gens.

10 “(ii) Chemicals classified as ‘Per-
11 sistent, Bioaccumulative and Toxic’ by the
12 Toxics Release Inventory published by the
13 Environmental Protection Agency pursuant
14 to section 313 of the Emergency Planning
15 and Community Right-to-Know Act of
16 1986.

17 “(iii) European Union Regulation
18 1223/2009/EC on Cosmetic Products, as
19 amended by Regulation (EU) 2020/1683,
20 Annex II–Prohibited Substances.

21 “(iv) Annex III of European Union
22 Cosmetics Regulation No. 1223/2009, as
23 required to be disclosed pursuant to Euro-
24 pean Union Detergents Regulation No.
25 21648/2004.

1 “(v) Chemicals included in the Euro-
2 pean Union Candidate List of Substances
3 of Very High Concern in accordance with
4 Article 59 of the REACH Regulation (EC)
5 No. 1907/2006 on the basis of fulfilling
6 the criteria defined in Article 57(f) for en-
7 docrine-disrupting properties.

8 “(vi) Substances classified as carcino-
9 gens, mutagens, or reproductive toxicants
10 in Appendices 1–6 of Annex XVII to Regu-
11 lation (EC) No. 1907/2006 of the Euro-
12 pean Union’s Registration, Evaluation,
13 Authorisation, and Restriction of Chemi-
14 cals (REACH) law, as revised by the Com-
15 mission Regulation (EU) 2020/2096 of
16 December 15, 2020.

17 “(vii) Group 1, 2A, or 2B carcinogens
18 identified by the International Agency for
19 Research on Cancer of the World Health
20 Organization.

21 “(viii) Any other list the Secretary de-
22 termines appropriate for purposes of this
23 subchapter.

1 “(5) INGREDIENT.—The term ‘ingredient’
2 means an intentionally added chemical in a cosmetic
3 that has a technical or functional effect, including—

4 “(A) the breakdown products of an inten-
5 tionally added chemical that also have a func-
6 tional or technical effect in the cosmetic;

7 “(B) a fragrance, flavor, preservative, or
8 colorant (and the components thereof); and

9 “(C) any individual component that the
10 Secretary deems to be an ingredient for pur-
11 poses of this subchapter.

12 “(6) INCIDENTAL COMPONENT.—The term ‘in-
13 cidental component’ means—

14 “(A) a chemical added during the manu-
15 facturing process at any point in a cosmetic’s,
16 or an ingredient’s, supply chain, but which has
17 no functional or technical effect in the finished
18 cosmetic; or

19 “(B) a chemical present in the environ-
20 ment which was introduced into a cosmetic, or
21 into an ingredient, at any point in the supply
22 chain for the cosmetic or ingredient.

23 “(7) MANUFACTURER.—The term ‘manufac-
24 turer’ means any entity that—

25 “(A) produces an ingredient; or

1 “(B) combines one or more ingredients to
2 produce a cosmetic.

3 “(8) NONFUNCTIONAL CONSTITUENT.—The
4 term ‘nonfunctional constituent’ means a chemical
5 that has no functional or technical effect on the
6 product or ingredient and is present—

7 “(A) as an incidental component of an in-
8 tentionally added ingredient;

9 “(B) as a breakdown product of an inten-
10 tionally added ingredient;

11 “(C) as a byproduct of the manufacturing
12 process;

13 “(D) due to storage of primary substances;
14 or

15 “(E) due to instability of the packaging.

16 “(9) RAW MATERIAL.—The term ‘raw material’
17 means a substance or mixture of substances that—

18 “(A) is used in the manufacture of a cos-
19 metic for commercial distribution; and

20 “(B) is supplied to a cosmetic manufac-
21 turer, packer, or distributor by a cosmetic raw
22 material manufacturer or supplier.

23 “(10) SUPPLIER.—The term ‘supplier’—

24 “(A) means an entity that supplies a cos-
25 metic, cosmetic packaging, or an ingredient or

1 raw material of a cosmetic or cosmetic pack-
2 aging; and

3 “(B) includes any such entity that is a
4 manufacturer, a formulating laboratory, or a
5 fragrance or flavor company.

6 **“SEC. 622. COSMETIC AND INGREDIENT SAFETY INFORMA-**
7 **TION.**

8 “At the request of a brand owner of a cosmetic, a
9 supplier of the cosmetic or any ingredient therein shall,
10 not later than 90 days after receipt of such request, pro-
11 vide to the brand owner, with respect to the cosmetic or
12 ingredient, any of the following information:

13 “(1)(A) Functions and uses.

14 “(B) The human health and environmental haz-
15 ards.

16 “(C) The physical and chemical properties.

17 “(D) The Chemical Abstracts Services Registry
18 number of any such ingredient.

19 “(E) Environmental exposure and fate informa-
20 tion.

21 “(F) Heavy metal testing results.

22 “(G) Safety data sheets.

23 “(H) Manufacturing flow charts.

24 “(I) Composition statement.

25 “(J) Fragrance allergen statement.

1 “(K) International Fragrance Association
2 (IFRA) standards conformity certificate.

3 “(L) Any other information used to substan-
4 tiate the safety of such ingredient.

5 “(2) A full and complete listing of ingredients
6 in fragrance or flavor formulations, preservative sys-
7 tems, or other ingredient formulations, including the
8 presence of any allergens.

9 “(3) A full and complete listing of ingredients
10 in a finished cosmetic presented in descending order
11 of predominance by weight, except that ingredients
12 present in amounts of 1 percent or less by weight
13 can be placed in any order at the end of the ingre-
14 dient statement.

15 “(4) A certificate of analysis for the ingredient.

16 **“SEC. 623. PROCESS FOR ESTABLISHING AN FDA LIST OF**
17 **NONFUNCTIONAL CONSTITUENTS KNOWN OR**
18 **REASONABLY EXPECTED TO BE PRESENT IN**
19 **COSMETICS AND INGREDIENTS.**

20 “(a) IN GENERAL.—The Secretary shall create and
21 maintain a list of nonfunctional constituents to guide test-
22 ing under this subchapter conducted by suppliers of cos-
23 metics and ingredients.

24 “(b) CONTENTS.—The list under subsection (a) shall
25 consist of nonfunctional constituents that are—

1 “(1) known or reasonably expected to be
2 present in cosmetics or ingredients; and

3 “(2) subject to subsection (e)(2), harmful to
4 human health or the environment.

5 “(c) IDENTIFICATION OF INGREDIENTS AND COS-
6 METICS.—For each nonfunctional constituent on the list
7 under subsection (a), the Secretary shall identify the spe-
8 cific ingredient or cosmetic, or category of ingredients or
9 cosmetics, in which the nonfunctional constituent is known
10 or reasonably expected to be present.

11 “(d) INITIAL LIST.—

12 “(1) IN GENERAL.—In creating the initial list
13 under subsection (a), the Secretary shall—

14 “(A) publish a proposed list and provide
15 an opportunity for public comment on such pro-
16 posed list for a period of 60 days; and

17 “(B) not later than 18 months after the
18 date of enactment of the Cosmetic Supply
19 Chain Transparency Act of 2025, finalize and
20 publish the list.

21 “(2) ADVISORY COMMITTEE.—

22 “(A) IN GENERAL.—Not later than 9
23 months after the date of enactment of the Cos-
24 metic Supply Chain Transparency Act of 2025,

1 the Secretary shall convene an advisory com-
2 mittee to advise the Secretary on—

3 “(i) creating the initial list under sub-
4 section (a); and

5 “(ii) best practices related to analyt-
6 ical testing for nonfunctional constituents
7 in cosmetics and ingredients.

8 “(B) MEMBERSHIP.—The membership of
9 the advisory committee convened under sub-
10 paragraph (A) shall consist of an equal number
11 of—

12 “(i) representatives from industry;

13 “(ii) representatives from the non-
14 profit community;

15 “(iii) representatives from the sci-
16 entific community; and

17 “(iv) representatives from the medical
18 and public health community.

19 “(C) TERMINATION.—The Secretary shall
20 terminate the advisory committee convened
21 under this paragraph upon the finalization of
22 the initial list pursuant to paragraph (1).

23 “(e) UPDATES.—Not less than annually after the fi-
24 nalization pursuant to subsection (d) of the initial list

1 under subsection (a), and not less than annually there-
2 after, the Secretary shall—

3 “(1) review the list under subsection (a);

4 “(2) after providing a period of at least 30 days
5 for public comment, update the list by adding non-
6 functional constituents that are known or reasonably
7 expected to be present in a cosmetic or ingredient as
8 specified in subsection (b)(1) and—

9 “(A) are determined by the Secretary to
10 meet the standard specified in section
11 621(4)(A) based on existing and emerging
12 science; or

13 “(B) have been added to one of the lists in
14 section 621(4)(B); and

15 “(3) update the list by adding any nonfunc-
16 tional constituent whose addition was approved pur-
17 suant to a petition under subsection (f).

18 “(f) PETITION PROCESS FOR ADDING NONFUNC-
19 TIONAL CONSTITUENTS OR NEW LISTS.—

20 “(1) IN GENERAL.—Any person may petition,
21 in accordance with paragraph (3), to add—

22 “(A) a nonfunctional constituent to the list
23 under subsection (a); or

24 “(B) a new list to the lists specified in sec-
25 tion 621(4)(B).

1 “(2) DEVELOPMENT OF PROCESS.—The Sec-
2 retary—

3 “(A) not later than 24 months after the
4 date of enactment of the Cosmetic Supply
5 Chain Transparency Act of 2025, shall develop
6 and publish the process for submitting a peti-
7 tion under this subsection; and

8 “(B) may periodically review and update
9 such process.

10 “(3) REQUIREMENTS FOR PROCESS.—The proc-
11 ess developed and updated by the Secretary under
12 paragraph (2) shall be consistent with the following:

13 “(A) Such process shall specify the nec-
14 essary scientific justification that must be in-
15 cluded in a petition.

16 “(B) The Secretary shall—

17 “(i) provide a 30-day period for public
18 comment on a petition; and

19 “(ii) not later than 90 days after the
20 close of such public comment period, ap-
21 prove or deny the petition.

22 “(C) If the Secretary approves a petition,
23 the Secretary shall provide notice in the Federal
24 Register of each addition made pursuant to
25 such approval.

1 “(D) In denying a petition, the Secretary
2 shall provide a written justification to the peti-
3 tioner for the denial.

4 “(g) GUIDANCE.—The Secretary—

5 “(1) shall, concurrently with the publication of
6 the initial list under subsection (a), and upon adding
7 any nonfunctional constituent pursuant to subsection
8 (e) or (f) to the list under subsection (a), issue guid-
9 ance for industry on best practices related to—

10 “(A) analytical testing for nonfunctional
11 constituents in cosmetics and ingredients; and

12 “(B) detection limits; and

13 “(2) may periodically review and update such
14 guidance.

15 **“SEC. 624. TREATMENT OF NONFUNCTIONAL CONSTITU-**
16 **ENTS.**

17 “A supplier of an ingredient or cosmetic shall—

18 “(1) not later than 1 year after a nonfunctional
19 constituent is added to the list under section 623(a)
20 pursuant to subsection (d), (e), or (f) of section 623,
21 conduct testing for such nonfunctional constituent;
22 and

23 “(2) prior to the sale of the ingredient or cos-
24 metic to the brand owner, provide the brand owner
25 a certificate of analysis that includes—

1 “(A) the levels of each such nonfunctional
2 constituent present;

3 “(B) any analytical test used;

4 “(C) the detection limits of any analytical
5 test used to detect each such nonfunctional con-
6 stituent; and

7 “(D) heavy metal testing results.

8 **“SEC. 625. NOTIFICATION, NONDISTRIBUTION, AND RECALL**
9 **OF ADULTERATED OR MISBRANDED COS-**
10 **METICS.**

11 “(a) SUPPLY CHAIN INFORMATION.—In the case of
12 a cosmetic that the Secretary has reason to believe is adul-
13 terated, misbranded, or otherwise in violation of this Act,
14 the Secretary shall request that the brand owner named
15 on the label of such cosmetic submit to the Secretary all
16 of the following information:

17 “(1) The name and place of business of the
18 manufacturer of the cosmetic and any supplier of an
19 ingredient or raw material used in the manufacture
20 of the cosmetic.

21 “(2) The name and place of business of any en-
22 tity (including any retailer) to which the brand
23 owner provided the cosmetic.

24 “(b) COLLECTION OF ADDITIONAL SUPPLY CHAIN
25 INFORMATION.—In the case of a cosmetic that the Sec-

1 retary has reason to believe is adulterated, misbranded,
2 or otherwise in violation of this Act, to the extent nec-
3 essary to protect the safety of the public, the Secretary
4 may request that any entity in the supply chain of such
5 cosmetic submit to the Secretary information that is simi-
6 lar to the information described in paragraphs (1) and (2)
7 of subsection (a).

8 “(c) MAINTENANCE OF RECORDS.—Any entity in the
9 supply chain of a cosmetic (including the brand owner
10 named on the label of a cosmetic) shall—

11 “(1) maintain records sufficient to provide the
12 information described in paragraphs (1) and (2) of
13 subsection (a); and

14 “(2) provide such information to the Secretary
15 upon the request of the Secretary.

16 **“SEC. 626. CIVIL PENALTIES.**

17 “Any person that violates section 622, 624, or 625
18 shall be liable to the United States for a civil penalty in
19 an amount up to \$10,000 for each day on which such vio-
20 lation continues.”.

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