

117TH CONGRESS
1ST SESSION

H. R. 5872

To amend the Federal Food, Drug, and Cosmetic Act to treat as misbranded cosmetics with packaging or labeling using the term “natural” unless the cosmetic meets certain standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2021

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. PHILLIPS, and Ms. MENG) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to treat as misbranded cosmetics with packaging or labeling using the term “natural” unless the cosmetic meets certain standards, 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 “Natural Cosmetics
5 Act”.

1 **SEC. 2. COSMETICS WITH CERTAIN TERMS MISBRANDED.**

2 (a) IN GENERAL.—Section 602 of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 362) is amended by
4 adding at the end the following:

5 “(g) If its packaging or labeling bears the term ‘nat-
6 ural’ or ‘naturally derived ingredient’ unless it meets the
7 definitions specified in regulations issued by the Secretary
8 pursuant to section 2(b) of the Natural Cosmetics Act.”.

9 (b) RULE.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary of
12 Health and Human Services, acting through the
13 Commissioner of Food and Drugs, shall issue a final
14 rule relating to use of the terms “natural” and “nat-
15 urally derived ingredient”, with respect to cosmetics
16 (including personal care products).

17 (2) CONTENTS.—

18 (A) DEFINITION.—In developing the defi-
19 nitions of the terms “natural” and “naturally
20 derived ingredient”, with respect to cosmetics
21 pursuant to paragraph (1), the Secretary of
22 Health and Human Services, acting through the
23 Commissioner of Food and Drugs, shall—

24 (i) consider how each ingredient in a
25 cosmetic is processed;

1 (ii) consider the presence of any impu-
2 rity that would have an adverse impact on
3 human health; and

4 (iii) base such definitions on relevant
5 scientific data, including data on con-
6 sumers' understanding of the terms as
7 used in connection with cosmetics.

8 (B) USE OF TERMS.—The rule issued
9 under paragraph (1) shall include provisions to
10 specifically address the use of terms “natural”
11 and “naturally derived ingredient” on the label-
12 ing and in marketing of the cosmetic.

13 (3) PROCESS.—Before issuing the final rule
14 under paragraph (1), Secretary of Health and
15 Human Services, acting through the Commissioner
16 of Food and Drugs, shall—

17 (A) conduct consumer surveys and studies
18 with respect to consumer understanding of the
19 terms “natural” and “naturally derived ingre-
20 dient” on the labeling and in marketing of cos-
21 metics;

22 (B) issue a timely call for public submis-
23 sions regarding relevant consumer research on
24 that understanding; and

1 (C) hold public meetings, including with
2 industry stakeholders, consumer advocacy
3 stakeholders, and scientific experts, to fully con-
4 sider the results of such surveys and studies, as
5 well as such public submissions.

6 (c) APPLICABILITY.—Section 602(g) of the Federal
7 Food, Drug, and Cosmetic Act, as added by subsection
8 (a), applies beginning on the effective date of the rule
9 issued under subsection (b).

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