NY Bill Would Boost Litigation Risk For Cosmetics Cos.

By **Kadeejah Kelly-Previl** (August 24, 2026)

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New York lawmakers are now advancing the Beauty Justice Act, one of the most comprehensive state-level efforts in the country to regulate cosmetics and personal care products.

The bill responds to growing concerns over consumer exposure to chemicals linked to cancer, hormone disruption, reproductive harm, allergies and other health risks. Supporters argue that current federal law, including the Modernization of Cosmetics Regulation Act, passed in 2022, does not go far enough.

Framed as both a public health and environmental justice measure, the legislation aims to protect consumers in vulnerable communities disproportionately exposed to these products.

For in-house counsel at cosmetics and personal care companies, the bill is worth tracking now because it could affect product formulation, supplier oversight, labeling and litigation risk well before any compliance deadline.

The key takeaway is that the bill would be both a compliance and litigation risk issue, not merely a product reformulation project.

Legal teams should understand that the same facts underlying a regulatory violation — intentional ingredient use, contaminant levels, labeling disclosures and certification practices — could also be used by private plaintiffs to bring consumer fraud, false advertising, toxic exposure and product liability claims.

Companies that delay preparation risk facing enforcement penalties, private litigation and supply chain disruptions simultaneously.

Background

The Beauty Justice Act, S.B. 2057-B, remains pending before the New York Legislature. If enacted, its sales prohibition would take effect Jan. 1, 2030.

The bill would prohibit the sale or offer for sale of any personal care product or cosmetic product containing a restricted substance as an intentionally added ingredient in any amount.

Under the bill, "intentionally added ingredient" means any element or compound that a manufacturer has intentionally added and that has a functional or technical effect in the finished product, including the components of intentionally added fragrance, flavoring and colorants, as well as intentional breakdown products of an added element or compound.

The bill would also require compliance with a lead threshold set by New York's Department of Environmental Conservation, or DEC, at the lowest level that can feasibly be achieved, reviewed every five years.

The bill's restricted substances list is extensive, covering heavy metals (arsenic, cadmium,

chromium, lead, nickel), specific parabens (isobutylparaben and isopropylparaben), ortho-phthalates and their esters, per- and polyfluoroalkyl substances, formaldehyde and formaldehyde releasers, and numerous other chemicals including benzophenone, triclosan, asbestos and several dyes.

Many of these substances are already subject to restrictions in states like California and Washington, meaning that the Beauty Justice Act would align New York with a growing patchwork of chemical-specific cosmetics regulations.

For companies selling products across multiple states, this creates compounding compliance obligations that cannot easily be managed on a jurisdiction-by-jurisdiction basis.

Compliance would not be limited to checking ingredient labels against a static list. Companies would need to account for restricted substances captured within broader ingredient categories — including fragrance, flavorings and colorants — and monitor future DEC rulemaking.

The bill also directs the DEC to adopt rules and regulations necessary for implementation within one year of the act's effective date, considering relevant research, laws and policies in other states, and stakeholder input.

Notably, the bill authorizes the DEC to conduct additional rulemaking to develop supplemental lists of chemicals, such as additional formaldehyde releasers, and adopt additional restrictions necessary to protect the health and safety of product users.

This means a product compliant at launch could become noncompliant without any change to its formulation, requiring companies to build ongoing monitoring into their compliance programs.

Enforcement and Litigation Risk

The bill would make the following conduct actionable through statutory enforcement, daily civil penalties and injunctive relief. Those same statutory hooks could also support private litigation theories. Violations may arise from:

- Selling or offering for sale a personal care or cosmetic product containing a restricted substance as an intentionally added ingredient in any amount;
- Selling or offering for sale a product containing lead at or above the DEC-established threshold;
- Providing a false certificate of compliance; or
- Continuing to sell products containing substances added to the restricted list through future DEC rulemaking.

Under the bill, a seller would not be held in violation if it relied in good faith on a written certificate of compliance signed by an authorized official of the manufacturer stating that the product meets the title's requirements. However, providing such a certificate when the product does not satisfy the restricted-substance limitations is itself a violation.

The statute would authorize civil penalties of up to $1,000 per day for a first violation and $2,500 per day for a second violation, along with injunctive relief.

Because the same facts, intentional ingredient use, contaminant levels, labeling disclosures and certification practices could be used by private plaintiffs, the bill may also invite consumer fraud, false advertising, toxic exposure and product liability claims.

For example, under New York General Business Law Section 349, which prohibits deceptive trade practices, plaintiffs have already brought consumer class actions alleging that cosmetics companies misrepresented products as "natural" or "clean" while containing undisclosed harmful chemicals.

These so-called clean beauty cases have proliferated in New York federal and state courts in recent years, with plaintiffs targeting brands that market products using terms like "nontoxic," "all-natural" or "free from harmful chemicals" while allegedly containing synthetic ingredients, undisclosed PFAS or other substances consumers would not expect.

The proliferation of these claims demonstrates that New York's consumer protection framework already provides fertile ground for cosmetics litigation. The Beauty Justice Act's specific restricted-substance list would give future plaintiffs an even more concrete standard against which to measure marketing claims.

Companies should therefore expect that noncompliance with the act's requirements could serve as a springboard for both regulatory enforcement and parallel private litigation.

What Legal Teams Should Do Now

Counsel should treat the Beauty Justice Act as a near-term regulatory and litigation risk, rather than a speculative proposal. Legal teams advising manufacturers, retailers and other industry participants should consider the following steps now:

- Coordinate a cross-functional ingredient audit across all products sold in New York, including intentionally added ingredients and possible contaminants;
- Work with procurement, regulatory and quality teams to map upstream sources of restricted substances, including fragrance houses and contract manufacturers;
- Pressure-test reformulation, product discontinuation and sell-through timelines, given long production lead times and the Jan. 1, 2030, sales prohibition date;
- Assign responsibility for monitoring future DEC rulemaking, which may materially expand the restricted substances list; and
- Review supplier certifications, labeling, marketing claims and risk disclosures to reduce enforcement and private litigation exposure.

Conclusion

Counsel should view the proposal as an enterprise compliance issue that will reach product development, supplier management, labeling and claims review. The bill would be both a compliance and litigation risk issue, not merely a product-reformulation project.

Legal teams should begin coordinating with regulatory, research and development, quality, supply chain, and marketing stakeholders before enactment.

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