CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

March 1, 2021

The Honorable Stephen Casey
Chair, House Committee on Health & Human Services
Rhode Island House of Representatives
82 Smith Street
Providence, RI 02903

RE: Opposition to HB 5550 (Lombardi) – Requiring that all cosmetics manufactured, sold, delivered, or held for offering to be sold contain a label that completely and accurately lists all of its component ingredients

Dear Chairman Casey:

On behalf of the Consumer Healthcare Products Association (CHPA), the Washington, D.C. based national trade organization representing the leading manufacturers of over-the-counter (OTC) medicines, dietary supplements, and consumer medical devices, I'm writing to express opposition to House Bill 5550. This legislation, sponsored by Representative John Lombardi, requires "that all cosmetics manufactured, sold, delivered, or held for offering to be sold contain a label that completely and accurately lists all of their component ingredients."

As currently written, the bill would require products regulated as both a cosmetic and OTC drug list all component ingredients on the label. Examples of these products include, but are not limited to, toothpastes containing fluoride, moisturizers containing a sunscreen that offer a sun protection factor (SPF), or antidandruff shampoos. The Food and Drug Administration (FDA) already requires manufacturers of OTCs to adhere to regulations governing the format of product labels, pursuant to 21 CFR 201.66.[1] FDA labeling requirements for OTCs include, but are not limited to, listing the active ingredients, inactive ingredients, the product's purpose, any specific warnings about use, expiration date, and dosage instructions. Adding the additional requirement of listing of all ingredients on the product's label would conflict with FDA regulations and would be confusing to consumers.

To address these concerns, CHPA proposes to amend paragraph 18 of the bill (p. 3 lines 10-13) as follows:

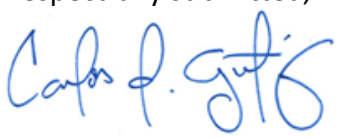
(18) The manufacturing, sale, or delivery, or holding or offering for sale of any cosmetic if its label does not contain a complete and accurate listing of each and every component ingredients contained in that cosmetic. This provision does not pertain to a product that is regulated as both a cosmetic and nonprescription drug.

[1] https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=201.66

OTC medicines are the trusted first line of treatment for millions of consumers – including thousands of Rhode Island residents - and are also valued by healthcare providers as FDA approved safe and effective treatments to recommend to their patients for a range of health and wellness needs. Consumers rely on the clear and concise OTC labeling, as required by the FDA, and any deviation from these regulations must be avoided.

CHPA thanks the House Committee on Health & Human Services for considering our concerns and urges the bill be amended to exclude products that are regulated as both cosmetics and OTCs. Please feel free to contact me directly with any questions on our position per the information below.

Respectfully submitted,



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cc: House Committee on Health & Human Services
The Honorable John Lombardi, Rhode Island House of Representatives