

Senator Curtis S. Bramble proposes the following substitute bill:

**COSMETIC MANUFACTURING CERTIFICATE PROGRAM**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill authorizes the Department of Agriculture and Food to issue good manufacturing practices certificates to cosmetic manufacturers.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires the Department of Agriculture and Food to create a process for issuing good manufacturing practices certificates to cosmetics manufacturers; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**4-2-801**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*



26 Section 1. Section 4-2-801 is enacted to read:

27 **Part 8. Cosmetics**

28 **4-2-801. Good manufacturing practices for cosmetics.**

29 (1) As used in this section:

30 (a) "Cosmetic" means the same as that term is defined in 21 U.S.C. Sec. 321.

31 (b) "Good manufacturing practices" means the current good manufacturing practices  
32 described in the United States Food and Drug Administration's Guidance for Industry:  
33 Cosmetic Good Manufacturing Practices.

34 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
35 and consistent with this section, the department shall make and enforce rules establishing a  
36 voluntary certification program for good manufacturing practices for cosmetics, including:

37 (i) the criteria for receiving a good manufacturing practices certificate, including the  
38 qualifications for registering with the department as required by Subsection (3)(a);

39 (ii) the process to apply for and receive a good manufacturing practices certificate  
40 under this section; and

41 (iii) criteria by which the department will determine the term of a good manufacturing  
42 practices certificate in accordance with Subsection (5).

43 (b) Rules made pursuant to this section may not be more stringent than:

44 (i) rules established by federal law; or

45 (ii) guidance published by the United States Food and Drug Administration.

46 (3) The department's good manufacturing practices certification program shall provide  
47 for the issuance of a certificate to an applicant if:

48 (a) the applicant is registered with the department pursuant to registration requirements  
49 established by the department under Subsection (2)(a);

50 (b) the applicant submits an application to the department requesting a certificate for  
51 the applicant's manufacturing facility; and

52 (c) the department inspects the applicant's manufacturing facility and determines that  
53 the applicant is in compliance with good manufacturing practices.

54 (4) (a) In accordance with Section 63J-1-504, the department shall adopt a schedule of  
55 registration and certificate fees to cover the department's costs of administering the certification  
56 program described in this section.

57            (b) Notwithstanding Section [63J-1-504](#), the department shall retain the fees as  
58 dedicated credits.

59            (5) A good manufacturing practices certificate issued under this section shall:

60            (a) specify the certificate issuance date and expiration date; and

61            (b) be valid for a term of one to three years as determined by the department pursuant  
62 to criteria established under Subsection (2)(a).