

# ASSEMBLY, No. 4818

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED DECEMBER 17, 2018

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblymen Tully, Rooney, Mejia and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Prohibits sale of cosmetic products that have been tested on animals.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 11/15/19)

1 AN ACT concerning cosmetic products that have been tested on  
2 animals and supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. a. For the purposes of this section:

8 “Animal test” means the internal or external application of a  
9 cosmetic, or any ingredient thereof, to a body part of a live,  
10 nonhuman vertebrate.

11 “Cosmetic” means any substance intended to be applied to or  
12 introduced into any part of the human body for the purposes of  
13 cleansing, promoting attractiveness, or altering the appearance,  
14 including, but not limited to, lipstick, make-up, deodorant,  
15 shampoo, and conditioner.

16 “Ingredient” means any component of a cosmetic as defined by  
17 21 C.F.R. 700.3.

18 “Manufacturer” means any person whose name appears on the  
19 label of a cosmetic product pursuant to the requirements of 21  
20 C.F.R. 701.12.

21 “Supplier” means any entity that supplies, directly or through a  
22 third party, any ingredient used in the formulation of a  
23 manufacturer’s cosmetic.

24 b. No person or manufacturer shall sell or offer for sale in the  
25 State any cosmetic that was developed or manufactured using an  
26 animal test, if the test was conducted or contracted by the  
27 manufacturer or any supplier of the manufacturer on or after  
28 January 1, 2020.

29 c. The prohibitions in subsection b. of this section do not apply  
30 to cosmetics developed or manufactured using an animal test if:

31 (1) The animal test is required by a federal or State regulatory  
32 authority and:

33 (a) the ingredient that requires an animal test is in wide use and  
34 cannot be replaced by another ingredient,

35 (b) a specific human health problem is associated with the  
36 ingredient and the need to conduct an animal test on the ingredient  
37 is justified and supported by a research protocol, and

38 (c) there is no non-animal test that is accepted by the relevant  
39 federal or State regulatory authority as a means to gather the  
40 relevant data;

41 (2) The animal test is conducted to comply with a requirement  
42 of a foreign regulatory authority, if no evidence derived from the  
43 test is relied upon to substantiate the safety of the cosmetic pursuant  
44 to federal or State regulations; or

45 (3) The animal test is conducted on a product or ingredient  
46 subject to the requirements of chapter V of the federal “Food, Drug,  
47 and Cosmetic Act,” 21 U.S.C. s.351 et seq.

48 d. The prohibitions in subsection b. of this section do not apply  
49 to cosmetics that were sold in the State or tested on animals prior to

1 January 1, 2020, even if the cosmetic is manufactured after that  
2 date.

3 e. Any person or manufacturer that violates this section shall  
4 be subject to a penalty of up to \$1,000 for each offense, to be  
5 collected in a civil action by a summary proceeding under the  
6 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
7 et seq.). If the violation is of a continuing nature, each day during  
8 which it continues constitutes an additional, separate, and distinct  
9 offense. The director of the Division of Consumer Affairs in the  
10 Department of Law and Public Safety may enforce the provisions of  
11 this section. The Superior Court and the municipal court shall have  
12 jurisdiction to enforce the provisions of the “Penalty Enforcement  
13 Law of 1999.”

14 f. The Division of Consumer Affairs may institute a civil  
15 action for injunctive relief to enforce this act and to prohibit and  
16 prevent a violation of this act, and the court may proceed in the  
17 action in a summary manner.

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19 2. This act shall take effect immediately.

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#### STATEMENT

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24 This bill would prohibit the sale or offer for sale of cosmetics  
25 that were developed or manufactured using animal tests on or after  
26 January 1, 2020.

27 Current law prohibits performing animal tests on products in  
28 New Jersey when there is an appropriate validated alternative test  
29 method. This bill would strengthen this prohibition with respect to  
30 cosmetics products, barring the sale of all cosmetics that were  
31 tested on animals, even if those tests were performed outside the  
32 State. Animal tests for cosmetics are frequently painful and  
33 harmful to the animal. Furthermore, alternative testing methods,  
34 such as the use of engineered human tissue and the use of computer  
35 models, are often cheaper and more accurate than animal testing, in  
36 addition to being cruelty-free.

37 The bill would not apply to cosmetics that were sold in the State  
38 or tested on animals before January 1, 2020. In addition, the bill  
39 would not apply to cosmetics that are required by a federal or State  
40 regulatory agency to be tested on animals, provided that certain  
41 conditions apply. The bill would also not apply to cosmetics that  
42 are required by a foreign regulatory agency to be tested on animals,  
43 as long as the safety of such cosmetics is independently verified  
44 using non-animal tests.

45 Violations of the provisions of the bill are punishable by fines of  
46 up to \$1,000. The director of the Division of Consumer Affairs in  
47 the Department of Law and Public Safety would be permitted to  
48 enforce the provisions of this bill.