ASSEMBLY, No. 4818

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED DECEMBER 17, 2018

Sponsored by:
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District 15 (Hunterdon and Mercer)
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District 38 (Bergen and Passaic)
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SYNOPSIS
Prohibits sale of cosmetic products that have been tested on animals.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: January 10, 2020)
AN ACT concerning cosmetic products that have been tested on animals and supplementing Title 4 of the Revised Statutes.

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

1. a. For the purposes of this section:
   “Animal test” means the internal or external application of a cosmetic, or any ingredient thereof, to a body part of a live, nonhuman vertebrate.
   “Cosmetic” means any substance intended to be applied to or introduced into any part of the human body for the purposes of cleansing, promoting attractiveness, or altering the appearance, including, but not limited to, lipstick, make-up, deodorant, shampoo, and conditioner.
   “Ingredient” means any component of a cosmetic as defined by 21 C.F.R. 700.3.
   “Manufacturer” means any person whose name appears on the label of a cosmetic product pursuant to the requirements of 21 C.F.R. 701.12.
   “Supplier” means any entity that supplies, directly or through a third party, any ingredient used in the formulation of a manufacturer’s cosmetic.

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

c. The prohibitions in subsection b. of this section do not apply to cosmetics developed or manufactured using an animal test if:
   (1) The animal test is required by a federal or State regulatory authority and:
      (a) the ingredient that requires an animal test is in wide use and cannot be replaced by another ingredient,
      (b) a specific human health problem is associated with the ingredient and the need to conduct an animal test on the ingredient is justified and supported by a research protocol, and
      (c) there is no non-animal test that is accepted by the relevant federal or State regulatory authority as a means to gather the relevant data;
   (2) The animal test is conducted to comply with a requirement of a foreign regulatory authority, if no evidence derived from the test is relied upon to substantiate the safety of the cosmetic pursuant to federal or State regulations; or
   (3) The animal test is conducted on a product or ingredient subject to the requirements of chapter V of the federal “Food, Drug, and Cosmetic Act,” 21 U.S.C. s.351 et seq.

d. The prohibitions in subsection b. of this section do not apply to cosmetics that were sold in the State or tested on animals prior to
January 1, 2020, even if the cosmetic is manufactured after that date.

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

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

2. This act shall take effect immediately.

STATEMENT

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

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

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

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