

[First Reprint]

SENATE, No. 1726

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

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Scutari, Singleton and Addiego**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on January 21, 2021, with amendments.



(Sponsorship Updated As Of: 2/17/2021)

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, nonhuman
10 vertebrate.

11 “Cosmetic” means ¹[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, shampoo,
15 and conditioner] the same as the term is defined in the “Federal Food,
16 Drug, and Cosmetic Act” (21 U.S.C. s.321(i))¹.

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

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

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

25 b. No person or manufacturer shall sell or offer for sale in the
26 State any cosmetic that was developed or manufactured using an
27 animal test, if the test was conducted or contracted by the
28 manufacturer or any supplier of the manufacturer on or after January 1,
29 ¹[2020] 2021¹.

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

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

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

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

39 (c) there is no non-animal test ¹method or strategy¹ that is
40 accepted by the relevant federal or State regulatory authority as a
41 means to gather the relevant data;

42 (2) The animal test is conducted ¹outside of the United States¹ to
43 comply with a requirement of a foreign regulatory authority, if no
44 evidence derived from the test is relied upon to substantiate the safety
45 of the cosmetic pursuant to federal or State regulations; ¹[**or**]¹

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted January 21, 2021.

1 (3) The animal test is conducted on a product or ingredient subject
2 to the requirements of chapter V of the federal “Food, Drug, and
3 Cosmetic Act,” 21 U.S.C. s.351 et seq. ¹; or

4 (4) The animal test is conducted for non-cosmetic purposes
5 pursuant to a requirement of a federal, State, or foreign regulatory
6 authority. No evidence derived from animal testing after the effective
7 date of P.L. , c. (C.) (pending before Legislature as this bill)
8 may be relied upon to establish the safety of a cosmetic pursuant to
9 federal or State regulation unless:

10 (a) there is no non-animal method or strategy recognized by any
11 federal agency or the Organisation for Economic Co-operation and
12 Development for the relevant safety endpoints for the ingredient;

13 (b) there is documented evidence of the non-cosmetic intent of the
14 test; and

15 (c) there is a history of use of the ingredient outside of cosmetics
16 at least one year prior to the reliance on the data.¹

17 d. ¹**【The prohibitions in subsection b. of this section do not apply**
18 **to cosmetics that were sold in the State or tested on animals prior to**
19 **January 1, 2020, even if the cosmetic is manufactured after that date】**
20 The provisions of this section shall not apply to animal testing
21 conducted on an ingredient or cosmetic if the testing took place prior
22 to January 1, 2021¹.

23 e. ¹**【Any】** Each sale or offer for sale made by a¹ person or
24 manufacturer ¹【that violates】 in violation of¹ this section shall be
25 subject to a penalty of up to \$1,000 ¹【for each offense】¹, to be
26 collected in a civil action by a summary proceeding under the “Penalty
27 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If
28 the violation is of a continuing nature, each day during which it
29 continues constitutes an additional, separate, and distinct offense. The
30 director of the Division of Consumer Affairs in the Department of Law
31 and Public Safety may enforce the provisions of this section. The
32 Superior Court and the municipal court shall have jurisdiction to
33 enforce the provisions of the “Penalty Enforcement Law of 1999.”

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

38 ¹g. Nothing in this act shall be construed to impose liability on
39 news media that accept or publish advertising that may fall within the
40 scope of the statute.¹

41
42 2. This act shall take effect immediately.