

ASSEMBLY, No. 795

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 15 (Hunterdon and Mercer)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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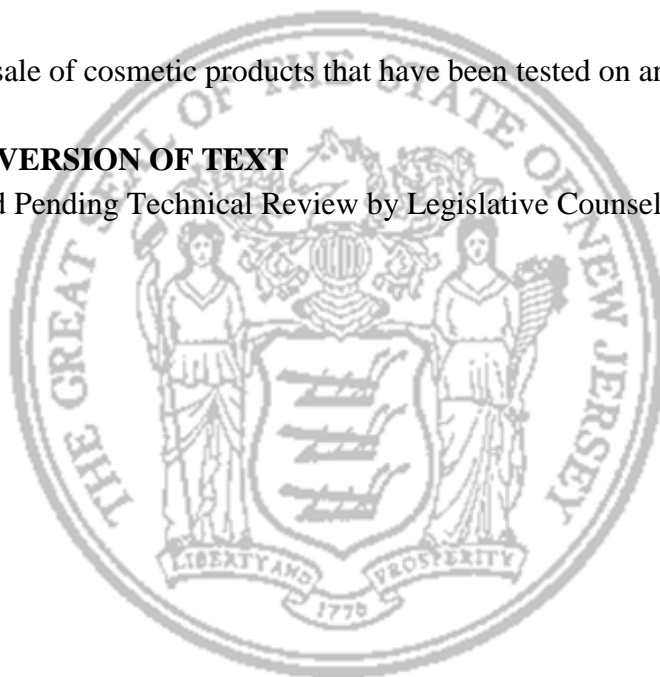
**Assemblymen Tully, Rooney, Mejia, Assemblywoman Reynolds-Jackson,
Assemblyman Benson, Assemblywomen Jasey, Murphy, Stanfield,
Assemblymen Conaway, Catalano, Moriarty, Assemblywoman Quijano,
Assemblyman Giblin, Assemblywoman Chaparro, Assemblyman Holley,
Assemblywomen Vainieri Huttel, Timberlake, Assemblymen Johnson,
Chiaravalloti, Armato and Mazzeo**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

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,
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.

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

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

16 f. The Division of Consumer Affairs may institute a civil
17 action for injunctive relief to enforce this act and to prohibit and
18 prevent a violation of this act, and the court may proceed in the
19 action in a summary manner.
20

21 2. This act shall take effect immediately.
22
23

24 STATEMENT 25

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

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

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

47 Violations of the provisions of the bill are punishable by fines of
48 up to \$1,000. The director of the Division of Consumer Affairs in

A795 VERRELLI, SWAIN

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- 1 the Department of Law and Public Safety would be permitted to
- 2 enforce the provisions of this bill.