

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 795**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 02, 2021

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 795.

As amended and reported by the committee, this bill would prohibit the sale or offer for sale of cosmetics that were developed or manufactured using animal tests on or after the effective date of the bill.

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 provisions of the bill do not apply to testing conducted on an ingredient or cosmetic if the testing took place prior to the effective date of the bill. In addition, the bill would not apply to testing required by a federal or State regulatory authority, provided that certain conditions apply. Also exempt from the bill are animal tests that are conducted for non-cosmetic purposes pursuant to a requirement of a federal, State, or foreign regulatory authority, so long as no evidence derived from the animal testing is relied upon to establish the safety of a cosmetic pursuant to federal or State regulations. Additionally, the bill would not prevent a manufacturer from reviewing, assessing, or retaining data resulting from animal testing.

Each sale or offer for sale is 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.

Lastly, nothing in the bill is to be construed as imposing liability on news media that accept or publish advertising that could fall within the scope of the bill.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, Assembly Bill No. 795 is identical to Senate Bill No. 1726 (1R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) change the definition of “cosmetic” to mean the same as the term is defined in the “Federal Food, Drug, and Cosmetic Act”;

(2) provide that the prohibition on the sale of cosmetics developed or manufactured using an animal test applies to cosmetics for which the test was conducted or contracted by the manufacturer or any supplier of the manufacturer on or after the effective date of the bill, rather than January 1, 2020;

(3) provide that the prohibitions pursuant to the bill do not apply to cosmetics developed or manufactured using an animal test if the animal test is conducted for non-cosmetic purposes pursuant to a requirement of a federal, State, or foreign regulatory authority and meets certain other conditions;

(4) provide that the provisions of the bill are not to be construed to impose liability on news media that accept or publish advertising that may fall within the scope of the statute;

(5) provide that the bill would not prevent a manufacturer from reviewing, assessing, or retaining data resulting from animal testing;

(6) provide that the bill would apply only to a manufacturer, as that term is defined in the bill, rather than a manufacturer or a person; and

(7) change the effective date of the bill from immediately to the first day of the fourth month next following the date of enactment.