

CHAPTER 272

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:*

C.4:22-61 Definitions relative to cosmetic development.

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 the same as the term is defined in the “Federal Food, Drug, and Cosmetic Act” (21 U.S.C. s.321(i)).

“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 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 the effective date of P.L.2021, c.272 (C.4:22-61).

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 method or strategy 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 outside of the United States 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;

(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.; or

(4) The animal test is conducted for non-cosmetic purposes pursuant to a requirement of a federal, State, or foreign regulatory authority. No evidence derived from animal testing after the effective date of P.L.2021, c.272 (C.4:22-61) may be relied upon to establish the safety of a cosmetic pursuant to federal or State regulation unless:

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

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

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

d. The provisions of this section shall not apply to animal testing conducted on an ingredient or cosmetic if the testing took place prior to the effective date of P.L.2021, c.272 (C.4:22-61). This section shall not prevent a manufacturer from reviewing, assessing, or retaining data resulting from animal testing.

e. Each sale or offer for sale made by a manufacturer in violation of this section shall be subject to a penalty of up to \$1,000, 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.

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

2. This act shall take effect on the first day of the fourth month next following the date of enactment.

Approved November 8, 2021.