

Comparing Maine cosmetics animal testing legislation to federal Humane Cosmetics Act and state laws

	Maine	Federal	California	Nevada	Illinois	Virginia
Text	LD 1551	H.R. 5141 / S. 2886	CHAPTER 899	S.B. 197	Public Act 101-0303	Chapter 113
Testing ban	None	It shall be unlawful for any person, whether private or governmental, to knowingly conduct or contract for cosmetic animal testing that occurs in the United States.	None	None	None	No cosmetics manufacturer shall conduct or contract for cosmetic animal testing that occurs in the Commonwealth on or after January 1, 2022.
Sales ban	A manufacturer may not sell or offer to sell in the State a cosmetic if the cosmetic was developed or manufactured using cosmetic animal testing that was conducted or contracted for by the manufacturer or any supplier of the manufacturer on or after	It shall be unlawful to sell, offer for sale, or knowingly transport in interstate commerce in the United States any cosmetic that was developed or manufactured using cosmetic animal testing that was conducted or contracted for by any person in the cosmetic product's supply chain after the date that is 1 year after the date	it is unlawful for a manufacturer to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer,	A manufacturer shall not import for profit, sell or offer for sale in this State any cosmetic for which the manufacturer knew or reasonably should have known that animal testing was conducted or contracted by or on behalf of the manufacturer or any supplier	it is unlawful for a manufacturer to import for profit, sell, or offer for sale in this State any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer,	Beginning July 1, 2022, sell or offer for sale within the Commonwealth any cosmetic, if the cosmetics manufacturer knows or reasonably should know that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was

	November 1, 2021.	of enactment of this Act.	on or after January 1, 2020.	of the manufacturer if the animal testing was conducted on or after January 1, 2020.	on or after January 1, 2020.	conducted on or after January 1, 2022.
Exemptions						
Ingredients of concern Federal language goes further because it has the regulatory ability to manage this process.	Requested, required or conducted by a federal or state regulatory authority and all of the following apply: (a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or	Requested, required, or conducted by the Secretary, following— (A) a written finding by the Secretary that— (i) there is no non-animal alternative method or strategy recognized by any Federal agency or the Organisation for Economic Co-operation and Development for the relevant safety endpoints for the cosmetic ingredient or non-functional constituent; (ii) the cosmetic ingredient or non-functional constituent poses a risk of causing serious adverse health	(1) An animal test of any cosmetic that is required by a federal or state regulatory authority if all of the following apply: (A) The ingredient is in wide use and cannot be replaced by another ingredient capable of performing a similar function. (B) A specific human health problem is substantiated and the need to conduct animal tests is justified and is supported by a detailed research	To comply with a requirement of a federal or state regulatory agency if: (1) The cosmetic or ingredient in the cosmetic which is tested is in wide use and cannot be replaced by another ingredient which is capable of performing a similar function; (2) A specific human health problem relating to the cosmetic or ingredient is substantiated and the need to conduct animal testing is justified and supported by a detailed	(1) An animal test of any cosmetic that is required by a federal or State regulatory authority, if each of the following apply: (A) an ingredient is in wide use and cannot be replaced by another ingredient capable of performing a similar function; (B) a specific human health problem is substantiated and the need to conduct animal tests is justified and supported by a detailed research protocol	To comply with a requirement of a federal or state regulatory agency and (i) the tested ingredient is in wide use and cannot be replaced by another ingredient capable of performing a similar function; (ii) a specific human health problem related to the cosmetic or ingredient is substantiated that justifies the need to conduct the cosmetic animal testing, and such testing is

	<p>nonfunctional constituent; (b) The cosmetic ingredient or nonfunctional constituent poses a risk of causing a specific human health problem that is substantiated and the need to conduct cosmetic animal testing is justified and is supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetic ingredient or nonfunctional constituent; and (c) The cosmetic ingredient or nonfunctional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by</p>	<p>consequences or death; and (iii) the cosmetic ingredient or nonfunctional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by another cosmetic ingredient capable of performing a similar function; (B) publication by the Secretary of the written finding required by subparagraph (A) on the internet website of the Food and Drug Administration together with a notice that the Secretary intends to request, require, or conduct new animal testing, and provides a period of not less than 60 calendar days for public comment; and (C) a written determination by the Secretary, after</p>	<p>protocol proposed as the basis for the evaluation. (C) There is not a nonanimal alternative method accepted for the relevant endpoint by the relevant federal or state regulatory authority.</p>	<p>protocol for research that is proposed as the basis for the evaluation of the cosmetic or ingredient; and (3) There does not exist a method of testing other than animal testing that is accepted for the relevant purpose by the federal or state regulatory agency.</p>	<p>proposed as the basis for the evaluation; and (C) there is not a nonanimal alternative method accepted for the relevant endpoint by the relevant federal or State regulatory authority.</p>	<p>supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetic or ingredient; and (iii) there does not exist a method of testing other than cosmetic animal testing that is accepted for the relevant purpose by the federal or state regulatory agency.</p>
--	---	--	--	---	---	---

	another cosmetic ingredient capable of performing a similar function	review of all public comments received pursuant to subparagraph (B), that no previously generated data that could be substituted for, or otherwise determined sufficient to replace, the data expected to be produced through new animal testing is available for review by the Secretary.				
Foreign testing	Conducted outside of the United States and in order to comply with a requirement of a foreign regulatory authority as long as no evidence derived from the testing was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product being	Conducted outside the United States in order to comply with a requirement from a foreign regulatory authority. No evidence derived from animal testing conducted after the effective date may be relied upon to establish the safety of a cosmetic, cosmetic ingredient, or non-functional constituent under the Federal Food,	An animal test that was conducted to comply with a requirement of a foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic sold in California by the manufacturer.	To comply with a requirement of a regulatory agency of a foreign jurisdiction, if no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer	An animal test that was conducted to comply with a requirement of a foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic being sold in Illinois by the manufacturer.	To comply with a requirement of a regulatory agency of a foreign jurisdiction, so long as no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within Virginia by the cosmetics manufacturer.

	sold by the manufacturer in the State.	Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).				
Drugs (chapter V)	Conducted for any cosmetic or cosmetic ingredient subject to regulation under Chapter V of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 351.	Conducted for any product or ingredient that is subject to regulation under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.)	An animal test that was conducted on any product or ingredient subject to the requirements of Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.)	On any product or ingredient in the cosmetic subject to the requirements of Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.	An animal test that was conducted on any product or ingredient subject to the requirements of Subchapter V of the Federal Food, Drug, and Cosmetic Act	On any cosmetic or cosmetic ingredient subject to the requirements of Subchapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.)
Non-cosmetic testing	Conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product and conducted pursuant to a requirement of a federal, state or foreign regulatory authority as long as no evidence derived from the testing was relied upon to substantiate the	Conducted for non-cosmetic purposes pursuant to a requirement of a Federal, State, or foreign regulatory authority. No evidence derived from animal testing conducted after the effective date specified in subsection (a) may be relied upon to establish the safety of a cosmetic under the Federal Food, Drug, and Cosmetic	(4) An animal test that was conducted for noncosmetic purposes in response to a requirement of a federal, state, or foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic sold in California by the manufacturer. A manufacturer is	For purposes unrelated to cosmetics pursuant to a requirement of a federal, state or foreign regulatory agency provided that no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer.	(4) An animal test that was conducted for noncosmetic purposes in response to a requirement of a federal, State, or foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic sold in Illinois by the manufacturer. A	Pursuant to a requirement of a federal, state, or foreign regulatory agency for a purpose unrelated to cosmetics, provided that either no evidence derived from such testing was relied upon to substantiate the safety of the cosmetic or there is (i) documented

	<p>safety of a cosmetic sold in this State by a manufacturer, unless all of the following apply:</p> <p>(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;</p> <p>(b) There is documented evidence of the noncosmetic intent of the test; and</p> <p>(c) There is a history of use of the ingredient outside of</p>	<p>Act (21 U.S.C. 301 et seq.), unless—</p> <p>(A) there is no non-animal alternative method or strategy recognized by any Federal agency or the Organisation for Economic Co-operation and Development for the relevant safety endpoints for such ingredient and</p> <p>(II) there is documented evidence of the non-cosmetic intent of the test; and</p> <p>(III) there is a history of use of the ingredient outside of cosmetics at least 1 year prior to the reliance on such data.</p>	<p>not prohibited from reviewing, assessing, or retaining evidence from an animal test conducted pursuant to this paragraph.</p>	<p>If evidence from such testing was relied upon for that purpose, the prohibition in subsection 1 does not apply if:</p> <p>(1) Documentary evidence exists of the intent of the test which was unrelated to cosmetics; and</p> <p>(2) The ingredient that was the subject of the testing has been used for purposes unrelated to cosmetics for not less than 12 months before the earliest date of the testing.</p>	<p>manufacturer is not prohibited from reviewing, assessing, or retaining evidence from an animal test conducted under this paragraph.</p>	<p>evidence of a noncosmetic intent of the test and (ii) a history of use of the ingredient outside of cosmetics for at least 12 months prior to such reliance.</p>
--	---	--	--	---	--	---

	cosmetics at least 12 months prior to the reliance;					
Effective date	Nov 1, 2021	1 year after enactment	Jan 1, 2020	Jan 1, 2020	Jan 1, 2020	Testing ban: Jan 1, 2022. Sales ban: July 1, 2022
Preemption language	A county or any other political subdivision of the State may not establish or continue any prohibition on or relating to cosmetic animal testing that is not identical to the prohibitions in this section.	State Authority.— No State or political subdivision of a State may establish or continue in effect any prohibition relating to cosmetic animal testing, or to the regulation of data use, labeling, and packaging related to animal testing, that is not identical to the prohibitions set forth in subsections (a), (b), (c), and (k) and that does not include the exemptions contained in subsections (c), (d), and (k). No State or political subdivision of a State may require any entity to perform cosmetic animal testing that	No county or political subdivision of the state may establish or continue any prohibition on or relating to animal tests, as defined in this section, that is not identical to the prohibitions set forth in this section and that does not include the exemptions contained in subdivision (c).	No county, city, local government or other political subdivision of this State or agency thereof may establish or continue any prohibition on or relating to animal testing that is not identical to the prohibitions set forth in this section and that does not include the exemptions contained in this section	A home rule unit may not regulate the testing of cosmetics on animals in a manner inconsistent with the regulation by the State of the testing of cosmetics on animals under this Section. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.	No locality may establish or continue any regulation relating to cosmetic animal testing that is not identical to the provisions set forth in this chapter.

		is not permitted by subsection (a).				
Notes		Federal bill (because of greater authority to regulate the industry) has added additional items not addressed in state laws including: Labeling, strategic plan, public meetings, and Reports to Congress.				

Other states with bills under consideration:

Hawaii: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=345&year=2021

Status: Passed House and Senate on April 27. Heading to the governor.

Maryland: <http://mgaleg.maryland.gov/mgawebwebsite/Legislation/Details/sb0282?ys=2021RS>

Status: Passed House and Senate on March 29. Awaiting governor action.

New Jersey: https://www.njleg.state.nj.us/2020/Bills/S2000/1726_R1.HTM

Status: Unanimously passed Senate. Awaiting hearing from Assembly Committee.

New York: <https://nyassembly.gov/leg/?bn=A05653&term=2021>

Status: Referred to committee.

Rhode Island: <http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0531.pdf>

Status: House bill heard in the House Judiciary Committee on Mar 16. Senate bill not heard yet.