

Introduced by Senator Galgiani

February 15, 2018

An act to add Section 1834.9.5 to the Civil Code, relating to animal testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as introduced, Galgiani. Animal testing: cosmetics.

Existing law prohibits manufacturers and contract testing facilities from using traditional animal testing methods within this state when an appropriate alternative test method has been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) or other specified agencies.

This bill would make it unlawful for any cosmetic manufacturer to knowingly import for profit, sell at retail, or offer for sale at retail in this state, any cosmetic, as defined, if the final product or any component thereof was developed or manufactured using animal testing after January 1, 2020. The bill would specify that a violation of its provisions is punishable by a fine not to exceed \$500 for the first violation and not to exceed \$1,000 for each subsequent violation. The bill would not apply to a cosmetic if the cosmetic, or any component of the cosmetic, was tested on animals before January 1, 2020, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1834.9.5 is added to the Civil Code, to
2 read:

1 1834.9.5. (a) Notwithstanding any other law, it is unlawful
2 for any cosmetic manufacturer to knowingly import for profit, sell
3 at retail, or offer for sale at retail in this state, any cosmetic if the
4 final product or any component thereof was developed or
5 manufactured using animal testing after January 1, 2020.

6 (b) For purposes of this section, the following terms apply:

7 (1) “Cosmetic” means both of the following:

8 (A) Any article intended to be rubbed, poured, sprinkled, or
9 sprayed on, introduced into, or otherwise applied to the human
10 body or any part thereof for cleansing, beautifying, promoting
11 attractiveness, or altering the appearance, including, but not limited
12 to, personal hygiene products such as deodorant, shampoo, or
13 conditioner.

14 (B) Any article intended for use as a component of an article
15 described in subparagraph (A).

16 (2) “Cosmetic manufacturer” means any individual, partnership,
17 corporation, association, or other legal relationship that produces
18 cosmetics that are sold or offered for sale in this state.

19 (3) “Tested on animals” or “annual testing” means the internal
20 or external application or exposure of a cosmetic to the skin, eyes,
21 or other body part of a live, nonhuman vertebrate for the purpose
22 of evaluating the safety or efficacy of a cosmetic.

23 (c) A violation of this section shall be punishable by a fine not
24 to exceed five hundred dollars (\$500) for the first violation and
25 not to exceed one thousand dollars (\$1,000) for each subsequent
26 violation.

27 (d) A person or entity that violates this section may be
28 prosecuted by the district attorney of the county in which the
29 violation occurred, or by the city attorney of the city in which the
30 violation occurred.

31 (e) A district attorney or city attorney may, but is not required
32 to, review the testing data upon which a cosmetic manufacturer
33 has relied in the development or manufacturing of any cosmetic
34 products sold in the state.

35 (f) This section does not apply to a cosmetic if the cosmetic, or
36 any compound of the cosmetic, was tested on animals prior to
37 January 1, 2020, even if the cosmetic is manufactured after that
38 date.

- 1 (g) This section shall become operative on January 1, 2020.

O