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H.524

Introduced by Representative Krasnow of South Burlington

Referred to Committee on

Date:

Subject: Crimes; cruelty to animals; cosmetic animal tests

Statement of purpose of bill as introduced: This bill proposes to prohibit the testing of certain cosmetic products and cosmetic ingredients on animals.

An act relating to prohibiting cosmetic animal tests

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 367 is added to read:

§ 367. PROHIBITED COSMETIC ANIMAL TESTS

(a) Definitions. As used in this section:

(1) “Cosmetic animal test” means the internal or external application or exposure of any cosmetic product, cosmetic ingredient, or any nonfunctional constituent to the skin, eyes, or any other body part, organ, or extremity of an animal.

(2) “Cosmetic ingredient” means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(3) “Cosmetic product” means articles or a component of articles intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or

1 otherwise applied to the human body or any part thereof for cleansing,  
2 promoting attractiveness, or improving or altering appearance, including those  
3 intended for use by professionals. “Cosmetic product” does not mean soap,  
4 dietary supplements, or food and drugs approved by the U.S. Food and Drug  
5 Administration, with the exception of U.S. Food and Drug Administration-  
6 approved sunscreen.

7 (4) “Manufacturer” means any person, firm, association, partnership,  
8 corporation, organization, joint venture, importer, or domestic distributor of a  
9 cosmetic ingredient or cosmetic product. As used in this subdivision,  
10 “importer” means the owner of the product.

11 (5) “Nonfunctional constituent” means substances that have no technical  
12 or functional effect in the cosmetic product but are present by reason of having  
13 been incorporated into the cosmetic product as an ingredient of another  
14 cosmetic ingredient.

15 (b) Prohibition on testing. A manufacturer shall not conduct a cosmetic  
16 animal test or contract for the performance of a cosmetic animal test unless the  
17 cosmetic animal test was conducted:

18 (1) pursuant to a requirement of a federal or State agency and all of the  
19 following apply:

20 (A) a specific human health problem in relation to the cosmetic  
21 ingredient or nonfunctional constituent is substantiated;

1           (B) the need to perform a cosmetic animal test is justified and  
2           supported by a detailed research protocol proposed as the basis for evaluation  
3           of the cosmetic ingredient or nonfunctional constituent;

4           (C) there is no nonanimal alternative method or strategy recognized  
5           by any federal or State agency or the Organization for Economic Cooperation  
6           and Development for the relevant safety endpoints for the cosmetic ingredient  
7           or nonfunctional constituent; and

8           (D) the cosmetic ingredient or nonfunctional constituent is in wide  
9           use and, in the case of a cosmetic ingredient, cannot be replaced by another  
10          ingredient capable of performing a similar function;

11          (2) pursuant to a requirement established by 21 U.S.C. §§ 351-360fff-8;  
12          or

13          (3) for a cosmetic ingredient or nonfunctional constituent intended to be  
14          used in a product that is not a cosmetic product and conducted pursuant to a  
15          requirement of a federal or State regulatory authority, provided that evidence  
16          from the cosmetic animal test is not relied upon to substantiate the safety or  
17          efficacy of the cosmetic product or cosmetic ingredient, unless:

18                 (A) there is documented evidence of the noncosmetic intent of the  
19                 test; and

20                 (B) there is a history of use of the ingredient outside of cosmetic  
21                 products at least one year prior to any reliance on the cosmetic animal test to

1 substantiate the safety or efficacy of the cosmetic product or cosmetic  
2 ingredient.

3 (c) Evidence of cosmetic animal test. Nothing in this section shall prohibit  
4 a manufacturer from retaining, reviewing, or assessing evidence from a  
5 cosmetic animal test.

6 (d) Penalty. A manufacturer who is convicted of a violation of this section  
7 shall be imprisoned not more than one year or fined not more than \$2,000.00,  
8 or both. A manufacturer who is convicted of a second or subsequent violation  
9 of this section shall be imprisoned not more than two years or fined not more  
10 than \$5,000.00, or both.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on January 1, 2025.