

Senate Bill No. 197–Senators Scheible; Parks and Ratti

Joint Sponsor: Assemblyman Fumo

CHAPTER.....

AN ACT relating to trade practices; prohibiting the importation and sale of cosmetics for which testing was performed on an animal; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill prohibits, under certain circumstances, a manufacturer from importing, selling or offering for sale in this State any cosmetic for which testing was performed on certain animals. This bill provides certain exemptions to the prohibition for certain animal testing that is performed pursuant to federal, state or foreign regulatory requirements or before a certain date. This bill also makes a violation of the prohibition a deceptive trade practice subject to the civil and criminal penalties applicable thereto. (NRS 598.0999). If a civil or criminal action which is brought for a violation of the prohibition involves any trade secrets, existing law also provides protections for the trade secrets. (NRS 49.325, 600A.070)

Additionally, this bill prohibits any political subdivision of this State or agency thereof from establishing or continuing prohibitions that are not identical to the provisions of this bill. This bill also allows an inventory of cosmetics which is otherwise in violation of the prohibition on or relating to animal testing to be sold on or before June 30, 2020.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, 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 of the manufacturer if the animal testing was conducted on or after January 1, 2020.

2. The prohibition in subsection 1 does not apply to animal testing that is conducted:

(a) 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 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.*

(b) *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.*

(c) *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.*

(d) *Except as otherwise provided in this paragraph, 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. If evidence from such testing was relied upon for that purpose, the prohibition in subsection 1 does not apply if:*

(1) *Documentary evidence exists of the intent of the test which was unrelated to cosmetics; and*

(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.*

3. *This section does not apply to:*

(a) *A cosmetic if the cosmetic in its final form was tested on animals before January 1, 2020, even if the cosmetic is manufactured on or after that date;*

(b) *An ingredient in a cosmetic if the ingredient was sold in this State and was tested on animals before January 1, 2020, even if the ingredient is manufactured on or after that date; or*

(c) *A manufacturer of cosmetics that reviews, assesses or retains evidence obtained from animal testing.*

4. *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.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section:

(a) "Animal testing" means the internal or external application of a cosmetic, either in its final form or any ingredient thereof, to the skin, eyes or other body part of a live, nonhuman vertebrate.

(b) "Cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including, without limitation, personal hygiene products such as deodorant, shampoo or conditioner.

(c) "Ingredient" has the meaning ascribed to it in 21 C.F.R. § 700.3(e).

(d) "Manufacturer" means any person whose name appears on the label of a cosmetic pursuant to the requirements of 21 C.F.R. § 701.12.

(e) "Supplier" means any entity that supplies, directly or through a third party, any ingredient used by a manufacturer in the formulation of a cosmetic.

Sec. 2. An inventory of cosmetics which is otherwise in violation of section 1 of this act on January 1, 2020, may be sold on or before June 30, 2020.

Sec. 3. This act becomes effective on January 1, 2020.

