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FIRST REPRINT

S.B. 197

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SENATE BILL NO. 197—SENATORS SCHEIBLE; PARKS AND RATTI

FEBRUARY 18, 2019

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JOINT SPONSOR: ASSEMBLYMAN FUMO

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to trade practices.  
(BDR 52-746)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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

**Legislative Counsel's Digest:**

1 This bill makes it unlawful for a manufacturer to import, sell or offer for sale in  
2 this State any cosmetic for which testing was performed on certain animals. This  
3 bill provides certain exemptions to the prohibition for certain animal testing that is  
4 performed pursuant to federal, state or foreign regulatory requirements. A person  
5 who commits this crime is guilty of a misdemeanor, punishable by imprisonment in  
6 the county jail for a term of not more than 6 months, or a fine of up to \$1,000, or  
7 both. (NRS 193.150) This bill also prohibits any political subdivision of this State  
8 or agency thereof from establishing or continuing prohibitions that are not identical  
9 to the provisions of this bill. This bill also allows an inventory of cosmetics which  
10 is otherwise in violation of the prohibition on or relating to animal testing to be sold  
11 on or before June 30, 2020.

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

1 **Section 1.** Chapter 597 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 ***1. It is unlawful for a manufacturer to import for profit, sell***  
4 ***or offer for sale in this State any cosmetic for which animal testing***



1 was conducted or contracted by or on behalf of the manufacturer  
2 or any supplier of the manufacturer if the animal testing was  
3 conducted on or after January 1, 2020.

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

6 (a) To comply with a requirement of a federal or state  
7 regulatory agency if:

8 (1) The cosmetic or ingredient in the cosmetic which is  
9 tested is in wide use and cannot be replaced by another ingredient  
10 which is capable of performing a similar function;

11 (2) A specific human health problem relating to the  
12 cosmetic or ingredient is substantiated and the need to conduct  
13 animal testing is justified and supported by a detailed protocol for  
14 research that is proposed as the basis for the evaluation of the  
15 cosmetic or ingredient; and

16 (3) There does not exist a method of testing other than  
17 animal testing that is accepted for the relevant purpose by the  
18 federal or state regulatory agency.

19 (b) To comply with a requirement of a regulatory agency of a  
20 foreign jurisdiction, if no evidence derived from such testing was  
21 relied upon to substantiate the safety of a cosmetic sold within this  
22 State by the manufacturer.

23 (c) On any product or ingredient in the cosmetic subject to the  
24 requirements of Subchapter V of the Federal Food, Drug, and  
25 Cosmetic Act, 21 U.S.C. §§ 351 et seq.

26 (d) For purposes unrelated to cosmetics pursuant to a  
27 requirement of a federal, state or foreign regulatory agency, if no  
28 evidence derived from such testing was relied upon to substantiate  
29 the safety of a cosmetic sold within this State by the manufacturer.  
30 A manufacturer is not prohibited from reviewing, assessing or  
31 retaining evidence from animal testing which is conducted  
32 pursuant to this paragraph.

33 3. This section does not apply to:

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

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

40 4. No county, city, local government or other political  
41 subdivision of this State or agency thereof may establish or  
42 continue any prohibition on or relating to animal testing that is  
43 not identical to the prohibitions set forth in this section and that  
44 does not include the exemptions contained in subsection 2.

45 5. As used in this section:



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

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

11 (c) *“Ingredient” has the meaning ascribed to it in 21 C.F.R.*  
12 *§ 700.3(e).*

13 (d) *“Manufacturer” means any person whose name appears*  
14 *on the label of a cosmetic pursuant to the requirements of 21*  
15 *C.F.R. § 701.12.*

16 (e) *“Supplier” means any entity that supplies, directly or*  
17 *through a third party, any ingredient used by a manufacturer in*  
18 *the formulation of a cosmetic.*

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

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

