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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Serpa, and Edwards

Date Introduced: February 15, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

SECTION 1. Sections 4-1-1 and 4-1-3 of the General Laws in Chapter 4-1 entitled "Cruelty to Animals" are hereby amended to read as follows:

4-1-1. Definitions — Responsibility for agents and employees.

(a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

~~(5)~~(1) Except for livestock as defined in § 4-26-3(6), "~~adequate~~ Adequate living conditions" shall mean a sanitary environment that is dry and free of accumulated feces and free of debris and garbage that may clutter the environment, pose a danger, or entangle the animal. The environment in which the animal is kept must be consistent with federal regulatory requirements, where applicable, or generally recognized professional standards, where applicable, or otherwise be of sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and suitable to maintain the animal in a good state of health. "Adequate living conditions" for livestock as defined in § 4-26-3(6) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.

~~(1)~~(2) "Animal" and "animals" means every living creature except a human being.

(3) "Cosmetic" means any:

(i) Articles 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; and

(ii) Articles intended for use as a component of any such articles, except that such term

shall not include soap.

(4) "Cosmetic animal testing" means the internal or external application or exposure of any cosmetic product, or any cosmetic ingredient or non-functional constituent, to the skin, eyes, or other body part (organ or extremity) of a live non-human vertebrate for the purpose of evaluating the safety or efficacy of a cosmetic product or a cosmetic ingredient or non-functional constituent for the use in a cosmetic product.

(5) "Cosmetic ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product, as defined as of the effective date of this section, in Section 700.3(e) of Title 21 of the Code of Federal Regulations.

(6) "Cosmetic product" means a finished cosmetic the manufacture of which has been completed.

~~(4)~~(7) "Guardian" shall mean a person(s) having the same rights and responsibilities of an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who possesses, has title to or an interest in, harbors, or has control, custody, or possession of an animal and who is responsible for an animal's safety and well-being.

~~(6)~~(8) Except for livestock as defined in § 4-26-3, "~~hazardous~~ Hazardous accumulation of animals" means the accumulation of a large number of animals, to a point where the owner, possessor, or person having the charge of custody of the aforementioned animals fails to or is unable to provide "adequate living conditions" as defined herein, resulting in harm or danger to the health and wellbeing of the animals.

~~(2)~~(9) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an accredited veterinary medical, surgical, and dental school or college of a standard recognized by the Rhode Island Veterinary Medical Association.

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

(11) "Non-functional constituent" means any incidental ingredient as defined, as of the effective date of this section, in Section 701.3(1) of Title 21 of the Code of Federal Regulations.

~~(3)~~(12) "Owner," "person," and "whoever" means corporations as well as individuals.

(13) "Supplier" means any entity that supplies, directly or through a third party, any ingredient used in the formulation of a cosmetic product

(b) The knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of that corporation are held to be the acts and knowledge of that corporation.

4-1-3. Unnecessary cruelty.

(a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who carries that animal or who fails to provide that animal with adequate living conditions as defined in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or causes to have placed, on any animal any substance that may produce irritation or pain or that is declared a hazardous substance by the U.S. Food and Drug Administration or by the state department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of any animal is found guilty of or pleads nolo contendere to a violation of this section and said violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in § 27-38.2-2.

(b) The substances proscribed by subsection (a) do not include any drug having curative and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

(c) University, college, or hospital research facilities licensed and/or inspected by the U.S. Department of Agriculture or the U.S. Public Health Service of the Department of Health and Human Services shall be exempt from the provisions of subsection (a) provided that they are in good standing with the federal agency responsible for licensing or assurance of the facility.

(d)(l) No manufacturer shall sell or offer for sale in the state any cosmetic that was developed or manufactured using cosmetic animal testing, if the testing was conducted or contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2024.

(2) The prohibitions of subsection (d)(l) of this section do not apply to cosmetics developed or manufactured using cosmetic animal testing if:

(i) Such testing is requested, conducted, or required by a federal or state regulatory authority and:

(A) There is no non-animal alternative method or strategy recognized by any federal agency or the organization for economic cooperation and development for the relevant safety endpoints for the cosmetic ingredient or non-functional constituent;

(B) The cosmetic ingredient or non-functional 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 supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetic ingredient or non-functional constituent; and

(C) The cosmetic ingredient or non-functional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by another ingredient capable of performing a similar function;

(ii) Such testing is conducted outside the United States and in order to comply with a requirement of foreign regulatory authority; provided that, no evidence derived from such testing is relied upon to substantiate the safety of the cosmetic in Rhode Island;

(iii) Such testing is conducted on a product or ingredient subject to the requirements of Subchapter V of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 et seq.; or

(iv) Such testing is 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 animal testing conducted after the effective date of this subsection is relied upon to substantiate the safety of a cosmetic sold in the state by a manufacturer, unless all of the following apply:

(A) There is documented evidence of the non-cosmetic intent of the test;

(B) There is a history of use of the ingredient outside of cosmetics at least one year prior to the manufacturer's reliance on such data; and

(C) The manufacturer has determined the need to rely on such data because there is no non-animal alternative method or strategy recognized by any federal agency, the Interagency Coordinating Committee on the Validation of Alternative Methods, or the Organization or Economic Co-operation and Development for the relevant safety endpoints for such ingredient or non-functional constituent.

(3) The provisions of subsection (d) of this section shall not apply to:

(i) A cosmetic product if the cosmetic in its final form was tested on animals before January 1, 2024, even if the cosmetic is manufactured on or after that date; provided that, no new animal testing in violation of subsection (d) of this section occurs after January 1, 2024 by or on behalf of the manufacturer;

(ii) An ingredient in a cosmetic if the cosmetic ingredient was tested on animals before January 1, 2024, even if the ingredient is manufactured on or after that date; provided that, no new animal testing in violation of subsection (d) of this section occurs after January 1, 2024 by or on behalf of the manufacturer; or

(iii) A manufacturer reviewing, assessing, or retaining evidence from a cosmetic animal

test.

(4) No political subdivision of the state may establish or continue any prohibition on or relating to cosmetic animal testing, as defined in this subsection, that is not identical to the prohibitions set forth in this subsection.

(5) Any person or manufacturer that violates subsection (d)(l) of this section shall be subject to a penalty of up to one thousand dollars ($1,000) for each offense. If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

(e) The Rhode Island department of environmental management ("DEM") is hereby granted the authority to promulgate rules and regulations to enforce the provisions of subsection (d)(l) of this section.

(f) DEM shall only investigate those manufacturers selling cosmetics subjected to cosmetic animal testing in violation of the law upon receipt of a written complaint. The form of such complaint shall be provided for by DEM at the time the rules and regulations are promulgated.

(g) If upon investigation DEM determines there has been a violation of this chapter as to cosmetic animal testing, DEM shall refer the matter to the attorney general; provided, however, that DEM shall contact the manufacturer of the suspect product and ask for proof that they do not use animal testing on the product before making a referral to the attorney general pursuant to this section.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

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This act would prohibit the sale or offer for sale in this state of any cosmetic that was developed or manufactured using cosmetic testing on animals, if the testing was conducted or contracted by the manufacturer or any supplier on or after July 1, 2024.

This act would take effect upon passage.

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