

COSMETIC SALE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits the sale of cosmetics that have been tested on animals.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ with certain exceptions, prohibits a manufacturer from selling cosmetics that are developed or manufactured using animal testing;
- ▶ imposes a civil penalty against a person who violates the prohibition on selling animal-tested cosmetics; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-26a-1, Utah Code Annotated 1953

26-26a-2, Utah Code Annotated 1953

26-26a-3, Utah Code Annotated 1953

26-26a-4, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-26a-1** is enacted to read:

CHAPTER 26a. COSMETIC TESTING ON ANIMALS

26-26a-1. Definitions.

As used in this chapter:

(1) (a) "Cosmetic" means an article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or a part of the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.

(b) "Cosmetic" includes an article intended for use as a component of an article described in Subsection (1)(a).

(c) "Cosmetic" does not include soap.

(2) "Cosmetic animal testing" means the internal or external application or exposure of a cosmetic, ingredient, or nonfunctional constituent to a body part of a live, nonhuman vertebrate.

(3) "Ingredient" means the same as that term is defined in 21 C.F.R. Sec. 700.3.

(4) "Manufacturer" means a person whose name is required to appear on the label of a cosmetic in package form pursuant to 21 C.F.R. Sec. 701.12.

(5) "Nonfunctional constituent" means an incidental ingredient as defined in 21 C.F.R. Sec. 701.3.

(6) "Supplier" means a person who provides, directly or through a third party, an ingredient or nonfunctional constituent used by a manufacturer in the formulation of a cosmetic.

Section 2. Section **26-26a-2** is enacted to read:

26-26a-2. Cosmetic animal testing prohibited.

(1) Except as provided in Section [26-26a-3](#), a manufacturer may not sell or offer for sale a cosmetic that was developed or manufactured using cosmetic animal testing conducted or contracted for by the manufacturer or a supplier of the manufacturer on or after January 1, 2023.

(2) A county or other political subdivision may not establish or enforce a prohibition relating to cosmetic animal testing that is not identical to the provisions of this chapter.

59 Section 3. Section **26-26a-3** is enacted to read:

60 **26-26a-3. Exceptions.**

61 (1) Section 26-26a-2 does not apply to cosmetic animal testing:

62 (a) conducted outside of the United States to comply with a requirement of a foreign
63 regulatory authority if no evidence derived from the cosmetic animal testing was relied upon to
64 substantiate the safety of the cosmetic sold in the state;

65 (b) conducted for a cosmetic or ingredient subject to regulation under the Federal Food,
66 Drug, and Cosmetic Act, 21 U.S.C. Chapter 9, Subchapter V, Drugs and Devices; or

67 (c) requested, required, or conducted by a federal or state regulatory authority if:

68 (i) cosmetic animal testing is the only testing that is accepted for the relevant purpose
69 by the federal or state regulatory authority;

70 (ii) the tested cosmetic, ingredient, or non-functional constituent poses a risk of
71 causing a specific human health problem that is substantiated and the need to conduct cosmetic
72 animal testing is justified and supported by a detailed research protocol proposed as the basis
73 for testing the cosmetic, ingredient, or nonfunctional constituent; and

74 (iii) the tested cosmetic, ingredient, or non-functional constituent is in wide use and, in
75 the case of an ingredient, cannot be replaced by another ingredient capable of performing a
76 similar function.

77 (2) Section 26-26a-2 does not apply if:

78 (a) the animal testing is:

79 (i) conducted for an ingredient intended to be used in a product that is not a cosmetic;
80 and

81 (ii) conducted pursuant to a requirement of a federal, state, or foreign regulatory
82 authority; and

83 (b) no evidence derived from the animal testing was relied upon to substantiate the
84 safety of the cosmetic unless all of the following apply:

85 (i) animal testing is the only testing that is accepted for the relevant purpose by the
86 federal, state, or foreign regulatory authority;

87 (ii) documentary evidence demonstrates that the intent of the test that was performed
88 was unrelated to the cosmetic; and

89 (iii) the ingredient was used for a purpose unrelated to the cosmetic for at least 12

90 months before the manufacturer relies upon the testing in relation to the cosmetic.

91 (3) Section 26-26a-2 does not apply to a cosmetic or ingredient developed or
92 manufactured using cosmetic animal testing that was conducted before January 1, 2023,
93 regardless of whether the cosmetic or ingredient is manufactured on or after January 1, 2023,
94 unless new cosmetic animal testing related to the cosmetic or ingredient is conducted or
95 contracted for on or after January 1, 2023.

96 (4) Section 26-26a-2 does not prohibit a manufacturer or supplier from reviewing,
97 assessing, or retaining data from a cosmetic animal test.

98 Section 4. Section **26-26a-4** is enacted to read:

99 **26-26a-4. Penalty.**

100 A person who violates Section 26-26a-2 commits a civil violation and is subject to the
101 civil penalties described in Section 26-23-6.