

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### **SENATE, No. 1726**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 21, 2021

The Senate Commerce Committee reports favorably and with amendments Senate Bill No. 1726.

As amended, this bill would prohibit the sale or offer for sale of cosmetics that were developed or manufactured using animal tests on or after January 1, 2021.

Current law prohibits performing animal tests on products in New Jersey when there is an appropriate validated alternative test method. This bill would strengthen this prohibition with respect to cosmetics products, barring the sale of all cosmetics that were tested on animals, even if those tests were performed outside the State. Animal tests for cosmetics are frequently painful and harmful to the animal. Furthermore, alternative testing methods, such as the use of engineered human tissue and the use of computer models, are often cheaper and more accurate than animal testing, in addition to being cruelty-free.

The provisions of the bill do not apply to testing conducted on an ingredient or cosmetic if the testing took place prior to January 1, 2021. In addition, the bill would not apply to testing required by a federal or State regulatory authority, provided that certain conditions apply. Also exempt from the bill are animal tests that are conducted for non-cosmetic purposes pursuant to a requirement of a federal, State, or foreign regulatory authority, so long as no evidence derived from the animal testing is relied upon to establish the safety of a cosmetic pursuant to federal or State regulations.

Each sale or offer for sale is punishable by fines of up to \$1,000. The director of the Division of Consumer Affairs in the Department of Law and Public Safety would be permitted to enforce the provisions of this bill.

Lastly, nothing in the bill is to be construed as imposing liability on news media that accept or publish advertising that could fall within the scope of the bill.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) change the definition of “cosmetic” to mean the same as the term is defined in the “Federal Food, Drug, and Cosmetic Act”;

(2) provide that the prohibition on the sale of cosmetics developed or manufactured using an animal test applies to cosmetics for which the test was conducted or contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2021, rather than January 1, 2020;

(3) provide that the prohibitions pursuant to the bill do not apply to cosmetics developed or manufactured using an animal test if the animal test is conducted for non-cosmetic purposes pursuant to a requirement of a federal, State, or foreign regulatory authority and meets certain other conditions; and

(4) provide that the provisions of the bill are not to be construed to impose liability on news media that accept or publish advertising that may fall within the scope of the statute.