

By Senator Book

32-01335-22

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1 A bill to be entitled  
2 An act relating to cosmetic animal testing; creating  
3 s. 499.075, F.S.; providing a short title; defining  
4 terms; prohibiting a manufacturer from manufacturing,  
5 importing for profit, selling, or offering for sale a  
6 cosmetic developed or manufactured using cosmetic  
7 animal testing conducted or contracted by certain  
8 persons or from conducting or contracting for cosmetic  
9 animal testing; providing exceptions; providing  
10 labeling requirements for specified cosmetics;  
11 providing enforcement and civil penalties; providing  
12 an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 499.075, Florida Statutes, is created to  
17 read:

18 499.075 Cosmetic Animal Testing.-

19 (1) SHORT TITLE.-This section may be cited as the "Humane  
20 Cosmetics Act."

21 (2) DEFINITIONS.-For the purposes of this section:

22 (a) "Cosmetic" means any article intended to be rubbed,  
23 poured, sprinkled, or sprayed on, introduced into, or otherwise  
24 applied to the human body or any part thereof for cleansing,  
25 beautifying, promoting attractiveness, or altering the  
26 appearance, including, but not limited to, personal hygiene  
27 products such as deodorant, shampoo, or conditioner.

28 (b) "Cosmetic animal testing" means the internal or  
29 external application of a cosmetic in its final form or any

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30 ingredient used in the formulation of such cosmetic to the skin,  
31 eyes, or other body part of a live, nonhuman vertebrate.

32 Reviewing, assessing, or retaining evidence from a cosmetic  
33 animal test does not constitute developing or manufacturing a  
34 cosmetic using animal testing for purposes of this section.

35 (c) "Ingredient" means any single chemical entity or  
36 mixture used as a component in the manufacture of a cosmetic  
37 product.

38 (d) "Manufacturer" means any person whose name appears on  
39 the label of a cosmetic pursuant to the requirements of 21  
40 C.F.R. s. 701.12 as those requirements exist on July 1, 2022.

41 (e) "Supplier" means an entity that supplies, directly or  
42 through a third party, any ingredient used in the formulation of  
43 a manufacturer's cosmetic.

44 (3) PROHIBITION.—Except as provided in subsection (4), a  
45 manufacturer may not:

46 (a) Manufacture, import for profit, sell, or offer for sale  
47 a cosmetic developed or manufactured using cosmetic animal  
48 testing conducted or contracted by the manufacturer or any  
49 supplier of the manufacturer.

50 (b) Conduct or contract for cosmetic animal testing.

51 (4) EXCEPTIONS.—The prohibitions under subsection (3) do  
52 not apply if cosmetic animal testing is conducted to comply with  
53 the following:

54 (a) A requirement of a federal or state law or regulation,  
55 if all of the following apply:

56 1. The ingredient is in wide use and cannot be replaced by  
57 another ingredient capable of performing a similar function.

58 2. A specific human health problem is substantiated and the

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59 need to conduct animal tests is justified and is supported by a  
60 detailed research protocol proposed as the basis for the  
61 evaluation.

62 3. There is no nonanimal alternative method accepted for  
63 the relevant endpoint by the relevant federal or state  
64 authority;

65 (b) Chapter V of the Federal Food, Drug, and Cosmetic Act;

66 (c) A requirement of a foreign regulatory authority if no  
67 evidence derived from such testing was relied upon to  
68 substantiate the safety of the cosmetic sold in the state by the  
69 manufacturer; or

70 (d) For noncosmetic purposes, a requirement of a federal,  
71 state, or foreign regulatory authority if no evidence derived  
72 from such testing was relied upon to substantiate the safety of  
73 the cosmetic sold in the state by the manufacturer.

74 (5) LABELING.—For a cosmetic described in subsection (4), a  
75 manufacturer shall include the following statement legibly  
76 printed on the label or packaging of the cosmetic: "This product  
77 or an ingredient used in the formulation of this product has  
78 been tested on animals."

79 (6) ENFORCEMENT AND PENALTIES.—A person who violates this  
80 section is subject to a civil penalty of \$5,000 and an  
81 additional \$1,000 for each day he or she continues to violate  
82 this section. A violation of this section may be enforced by the  
83 Attorney General, state attorney, or the city attorney or county  
84 attorney of the city or county in which the violation occurred.  
85 The civil penalty shall be remitted to the entity authorized to  
86 bring an action to enforce such penalty.

87 Section 2. This act shall take effect July 1, 2022.