

By the Committee on Commerce and Tourism; and Senators Book and Taddeo

577-02261-22

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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 in
6 this state a cosmetic developed or manufactured using
7 cosmetic animal testing conducted or contracted by
8 certain persons or from conducting or contracting for
9 cosmetic animal testing; providing exceptions;
10 providing labeling requirements for specified
11 cosmetics; providing enforcement and civil penalties;
12 providing an effective date.

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

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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 perform any of the following acts in this
46 state:

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

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

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

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

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

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59 2. A specific human health problem is substantiated and the
60 need to conduct animal tests is justified and is supported by a
61 detailed research protocol proposed as the basis for the
62 evaluation.

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

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

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

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

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

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

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