

2022 Regular Session

HOUSE BILL NO. 714

BY REPRESENTATIVES FREIBERG, GEYMANN, AND FREEMAN

MANUFACTURING: Provides relative to cosmetics

1 AN ACT

2 To enact Part XII of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:771 through 776, relative to the sale of certain cosmetics; to
4 provide definitions; to prohibit the sale of certain cosmetics; to provide exemptions;
5 to provide for application of law in political subdivisions; to provide for penalties;
6 to provide for severability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XII of Chapter 2 of Title 51 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 51:771 through 776, is hereby enacted to read as follows:

10 PART XII. SALE OF COSMETICS TESTED ON ANIMALS

11 §771. Definitions

12 As used in this Part, the following terms have the following meanings:

13 (1) "Cosmetic" means either of the following:

14 (a) Articles intended to be applied to or introduced into the human body or
15 any part thereof for purposes of cleansing, beautifying, promoting attractiveness, or
16 altering appearance.

17 (b) Articles intended for use as a component of any articles provided for in
18 Subparagraph (a) of this Paragraph.

19 (c) "Cosmetic" does not include soap.

1 (2) "Cosmetic animal testing" means the internal or external application or
2 exposure of any cosmetic product, cosmetic ingredient, or nonfunctional constituent
3 to the skin, eyes, or any other body part, organ, or extremity of a live nonhuman
4 vertebrate.

5 (3) "Cosmetic ingredient" means any single chemical entity or mixture used
6 as a component in the manufacture of a cosmetic product as defined in 21 CFR
7 700.3(e) on the date of enactment of this Part.

8 (4) "Cosmetic product" means a finished and complete cosmetic.

9 (5) "Manufacturer" means any entity required to specify conspicuously its
10 name and place of business on the label of a cosmetic in package form pursuant to
11 21 CFR 701.12.

12 (6) "Nonfunctional constituent" means any incidental ingredient as defined
13 in 21 CFR 701.3(1) on the date of enactment of this Part.

14 (7) "Supplier" means any entity that provides, whether directly or through
15 a third party, any cosmetic ingredient used by a manufacturer in the formulation of
16 a cosmetic product.

17 §772. Prohibition on the sale or offer for sale of certain cosmetics

18 Notwithstanding any provision of law to the contrary, it is unlawful for a
19 manufacturer to sell or offer for sale in this state a cosmetic that utilized cosmetic
20 animal testing during the development or manufacture of the cosmetic, if the
21 cosmetic animal testing was conducted by the manufacturer, any supplier of the
22 manufacturer, or any person or business hired or contracted by the manufacturer.

23 §773. Exemptions

24 A. The provisions of this Part shall not apply to the following instances of
25 cosmetic animal testing:

26 (1) Cosmetic animal testing conducted outside of the United States as
27 required by a foreign regulatory authority, provided that no evidence derived from
28 the testing was relied upon to substantiate the safety of the cosmetic ingredient or
29 cosmetic product being sold by the manufacturer in this state.

1 (2) Cosmetic animal testing conducted for any cosmetic or cosmetic
2 ingredient subject to regulation under 21 USC 351 et seq.

3 (3) Cosmetic animal testing conducted for a cosmetic ingredient intended to
4 be used in a product that is not a cosmetic product and conducted pursuant to a
5 requirement of a federal, state, or foreign regulatory authority, provided that no
6 evidence derived from the testing was relied upon to substantiate the safety of a
7 cosmetic sold in this state by a cosmetics manufacturer, unless all of the following
8 apply:

9 (a) There is no nonanimal alternative method or strategy recognized by any
10 federal or state agency or the Organisation for Economic Co-operation and
11 Development for the relevant safety endpoints for the cosmetic ingredient or
12 nonfunctional constituent.

13 (b) There is documented evidence of the noncosmetic intent of the test.

14 (c) There is a history of use of the ingredient outside of cosmetics at least
15 twelve months prior to reliance.

16 (4) Cosmetic animal testing requested, required, or conducted by a federal
17 or state regulatory authority if all of the following apply:

18 (a) There is no nonanimal alternative method or strategy recognized by any
19 federal or state agency or the Organisation for Economic Co-operation and
20 Development for the relevant safety endpoints for the cosmetic ingredient or
21 nonfunctional constituent.

22 (b) The cosmetic ingredient or nonfunctional constituent poses a risk of
23 causing a specific substantiated human health problem and the need to conduct
24 cosmetics animal testing is justified and supported by a detailed research protocol
25 proposed as the basis for the evaluation of the cosmetics ingredient or nonfunctional
26 constituent.

27 (c) The cosmetic ingredient or nonfunctional constituent is in wide use and,
28 in the case of a cosmetic ingredient, cannot be replaced by another cosmetic
29 ingredient capable of performing a similar function.

1 B. The provisions of this Part shall not apply to any of the following:

2 (1) A cosmetic in its final form, which was tested on animals before the
3 effective date of this Part, regardless of if the cosmetic is manufactured on or after
4 the effective date of this Part.

5 (2) An ingredient in a cosmetic, which was tested on animals before the
6 effective date of this Part, even if the ingredient is manufactured on or after the
7 effective date of this Part.

8 (3) A cosmetic manufacturer reviewing, assessing, or retaining evidence
9 from a cosmetic animal test.

10 §774. Political subdivisions; prohibition

11 No parish or political subdivision of this state shall establish or continue any
12 prohibition on or relating to cosmetic animal testing, as defined in this Part, that is
13 not identical to the prohibitions set forth in this Part.

14 §775. Penalties

15 A manufacturer that sells or offers for sale a cosmetic in violation of this Part
16 commits a civil violation punishable by a fine of not more than one thousand dollars
17 for the first day of each violation and an additional fine of five hundred dollars for
18 each day that each violation continues.

19 §776. Severability

20 If any provision of this Part is held invalid, or if its application to any person
21 or circumstance is held invalid, such invalidity does not affect other provisions or
22 applications which can be given effect without the invalid provision or application.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 714 Engrossed

2022 Regular Session

Freiberg

Abstract: Prohibits a manufacturer from selling certain animal-tested cosmetics in this state.

Proposed law defines "cosmetic animal testing", "cosmetic", "cosmetic ingredient", "cosmetic product", "manufacturer", "nonfunctional constituent", and "supplier".

Proposed law prohibits the sale of cosmetics that were developed using animal testing, if the testing was done by the manufacturer or at the direction of the manufacturer.

Proposed law provides exemptions from the prohibition contained in proposed law based on compliance with state, federal, or foreign regulations; reason for the testing; when the testing occurred; and specific actions taken by the manufacturer.

Proposed law prohibits a political subdivision from creating or enforcing any prohibition on animal testing that is not identical to proposed law.

A violation of proposed law is considered a civil violation and the person in violation of proposed law is subject to an initial fine of \$1,000 with an additional fine of \$500 added each additional day for each violation.

Invalidity of any provision of proposed law does not invalidate the remainder of proposed law.

(Adds R.S. 51:771-776)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Lower the fine for an initial violation from \$5,000 to \$1,000.
2. Lower the fine for each additional violation from \$1,000 to \$500.
3. Make technical changes.