

2022 Regular Session

HOUSE BILL NO. 714

BY REPRESENTATIVES FREIBERG, GEYMAN, AND FREEMAN

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.

20 (2) "Cosmetic animal testing" means the internal or external application or  
21 exposure of any cosmetic product, cosmetic ingredient, or nonfunctional constituent

1 to the skin, eyes, or any other body part, organ, or extremity of a live nonhuman  
 2 vertebrate.

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

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

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

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

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

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

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

21 §773. Exemptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9           §774. Political subdivisions; prohibition

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

13           §775. Penalties

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

18           §776. Severability

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_