

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there are no federal
2 laws in the United States that prohibit the use of animals for
3 cosmetic or household product testing or require companies to
4 first look to available test alternatives. On the state level,
5 four states require alternative test methods, if available, to
6 be used for cosmetic and household product testing. In 2000,
7 California became the first state in the nation to mandate the
8 use of alternative test methods followed by New Jersey, New
9 York, and Virginia in 2007, 2008, and 2018, respectively.

10 By setting forth a clear regulatory mandate to utilize non-
11 animal testing methods whenever they are available, Hawaii can
12 prevent animal suffering and ensure that the best available
13 scientific tests are utilized in Hawaii now and in the future.

14 The purpose of this Act is to prohibit manufacturers and
15 contract testing facilities in Hawaii from using animal test
16 methods for the purpose of testing cosmetics or household
17 products if an alternative test method is available and to



1 provide clear guidance to any manufacturers or contract testing
2 facilities looking to operate in the State in the future that
3 scientifically approved, modern, non-animal tests are to be
4 given priority.

5 SECTION 2. Chapter 142, Hawaii Revised Statutes, is
6 amended by adding a new section to part IV to be appropriately
7 designated and to read as follows:

8 "§142- Animal testing; alternative methods. (a) No
9 manufacturer or contract testing facility in the State shall use
10 an animal test method for the purpose of testing cosmetics or
11 household products if an alternative method is available that
12 provides information of equivalent or better scientific quality.

13 (b) Nothing in this section shall prohibit the use of test
14 methods or strategies that do not use animals and are not
15 alternative methods as defined under subsection (f).

16 (c) Nothing in this section shall prohibit the use of
17 animal test methods:

- 18 (1) To comply with requirements of state agencies;
19 (2) To comply with requirements of federal agencies when
20 the federal agency concludes that the alternative



1 method does not assure the health or safety of people;

2 or

3 (3) That are necessary to prevent the introduction and
4 establishment of plants, animals, and diseases that
5 are detrimental to the State's agricultural industry
6 and the environment, or for purposes of national
7 defense.

8 (d) Nothing in this section shall apply to any animal test
9 method performed for the purposes of medical research,
10 neuroscience, and basic science testing, education, and
11 research.

12 (e) Notwithstanding any other law to the contrary, the
13 exclusive remedy for any violation of this section shall be a
14 civil action for injunctive relief brought by the attorney
15 general in the circuit court of the circuit where the alleged
16 violation occurred. The court may impose a civil fine not to
17 exceed \$5,000 on the manufacturer or contract testing facility
18 in violation of this section.

19 (f) For purposes of this section:

20 "Alternative method" means a test method or strategy that:



- 1 (1) Does not use animals, or uses fewer animals or causes
2 less suffering to animals when there is no appropriate
3 non-animal test method or strategy available; and
4 (2) Has been validated according to international
5 validation principles or identified by validation
6 bodies, and adopted by the relevant federal agency or
7 program within an agency responsible for regulating
8 the specific product or activity for which the test
9 method or strategy is being conducted.

10 "Alternative method" includes but is not limited to
11 computational toxicology and bioinformatics, high throughput
12 screening methods, chemical substance category testing, tiered
13 testing methods, in vitro studies, and systems biology,
14 including new or revised methods.

15 "Animal" means a live vertebrate nonhuman animal.

16 "Animal test method" means a process or procedure using
17 animals to obtain information on the characteristics of a
18 chemical or agent, or the biological effect of exposure to a
19 chemical or agent, under specified conditions.

20 "Contract testing facility" means any partnership,
21 corporation, association, or other legal entity that tests



1 chemicals, ingredients, product formulations, or products in
2 this State.

3 "Manufacturer" means any partnership, corporation,
4 association, or other legal entity that produces chemicals,
5 ingredients, product formulations, or products in this State.

6 "Medical research" means research related to the causes,
7 diagnosis, treatment, control, or prevention of physical or
8 mental diseases and impairments of humans and animals, or
9 related to the development of biomedical products, devices, or
10 drugs. "Medical research" shall not include the testing of an
11 ingredient that was formerly used in a drug, was tested for drug
12 use by humans under animal test methods aimed to characterize
13 the ingredient and substantiate its safety, and is proposed for
14 use in a product other than a biomedical product, device, or
15 drug."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

20



S.B. NO. 239

1 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 239

Report Title:

Animals; Animal Testing; Alternatives; Manufacturer; Contract Testing Facility; Penalty

Description:

Prohibits manufacturers and contract testing facilities in Hawaii from using animal test methods for the purpose of testing cosmetics or household products for which an alternative test method is available. Imposes a civil fine and authorizes the attorney general to seek injunctive relief and any other recovery of damages.

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