

HB704 HD2

Measure Title:	RELATING TO COSMETICS.
Report Title:	Cruelty-free; Animal Testing; Cosmetics; Prohibition; Fines
Description:	Bans, beginning January 1, 2021, the import for profit, sale, and offer for sale of any cosmetic in the State, if the final product or any component of the product was developed or manufactured using animal testing performed on or after January 1, 2021. (HB704 HD2)
Companion:	SB756
Package:	None
Current Referral:	CPH, JDC/WAM
Introducer(s):	C. LEE, MIZUNO, Kitagawa, McKelvey, San Buenaventura, Yamashita



THE HUMANE SOCIETY
OF THE UNITED STATES

To: Senator Rosalyn H. Baker, Chair
Senate Commerce, Consumer Protection, and Health committee members

In Support Of: HB 704 HD2

Date: March 18, 2019

Testimony By: Heather Carpenter, Western Regional Director, The Humane Society of the United States

My name is Heather Carpenter. I am the Western Regional Director for The Humane Society of the United States (HSUS) and I appreciate the opportunity to submit this written testimony on behalf of our Hawaii members and supporters urging the committee to pass HB 704 HD2, which prohibits a manufacturer from importing for profit, selling, or offering for sale in Hawaii any cosmetic, for which an animal test was conducted or contracted by or on behalf of the manufacturer, or any supplier of the manufacturer, on or after January 1, 2021.

There are no animal testing requirements for cosmetic safety substantiation in the United States. Last Congress, the Humane Cosmetics Act (H.R. 2790), bipartisan legislation to end the production and sale of animal-tested cosmetics, received 187 sponsors and cosponsors in the House of Representatives and has been endorsed by more than 280 companies in the cosmetics industry.

In traditional animal tests, rabbits, guinea pigs, mice and rats have substances forced down their throats, dripped into their eyes, or smeared onto their skin before they are killed. These test methods are unreliable predictors of human safety. Different species can respond differently when exposed to the same chemicals. Consequently, animal tests may under- or over-estimate real-world hazards to people. In addition, results from animal tests can be quite variable and difficult to interpret.

Fortunately, animal testing for cosmetics is completely unnecessary. Companies can already create great products using thousands of available ingredients that have a history of safe use and do not require new testing. For new ingredients where animal testing may currently be used, many non-animal methods have been, and continue to be, developed. Non-animal methods can combine human cell-based tests and sophisticated computer models to deliver human-relevant results at less cost and in less time than the animal tests.

HB 704 HD2 does contain four exceptions that allow for animal testing under certain conditions including testing (1) Required by a federal or state agency when there is a specific human health concern and there is no available alternative test or alternative ingredient; (2) Required by a foreign regulatory authority, if no evidence derived from such test was relied upon to substantiate the safety of a cosmetic sold within Hawaii; (3) Conducted on a product or ingredient classified as a drug by the Federal Food, Drug, and Cosmetic Act ; or (4) Conducted for a noncosmetic purpose in response to a regulatory requirement, if no evidence derived from such test was relied upon to substantiate the safety of a cosmetic sold within Hawaii.

There has been a global trend toward eliminating cosmetic animal testing. California became the first state in the country to ban the sale of cosmetics newly tested on animals (effective January 1, 2020). Historically, the European Union (EU) began the trend in 2013 by finalizing a ban on the sale of cosmetics tested on animals, creating the world's largest cruelty-free cosmetics marketplace. This ban compelled cosmetic companies around the world to end animal testing and invest in the development of alternatives in order to sell in the EU.

Similar bans have also been enacted in Israel, Norway, India, and Switzerland and are under consideration in several other countries, including Canada, which passed a bill in the Senate last year. In order to sell their products in any of these countries, cosmetic companies must already comply with bans on animal testing.

The Humane Society of the United States requests that HB 704 HD2 be reported favorably.

Heather Carpenter
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Testimony in Support of Bill HB 704

Senate Committee on
Commerce, Consumer Protection and Health

March 18, 2019

To the Honorable Chris Lee, and members of the Committee on Judiciary;

**To the Honorable Rosalyn Baker, and members of the Committee on Commerce,
Consumer Protection and Health**

On behalf of the National Anti-Vivisection Society and our supporters in Hawaii, I would like to **state our strong support for HB 704**, legislation that would end the use of live animals for chemical safety testing when a non-animal alternative is available.

The Federal Food, Drug and Cosmetic Act does not *require* manufacturers of cosmetics, personal care and other household products to test their products and ingredients on animals for safety. In fact, the Food and Drug Administration (FDA), which administers the Act, actually encourages the use of testing techniques that do not use whole living animals.

While some progress has been made at the federal level with regard to fostering the development of alternatives to animal testing, especially through the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), the U.S. Congress has failed to act to require manufacturers to end the use of animals where alternatives already exist to establish reliable safety standards. We applaud the Hawaii legislature for taking up this issue and joining other states to move forward on this matter.

NAVS' opposition to the use of animals in cosmetics testing is based on credible scientific evidence that animal testing can produce invalid, misleading results that can ultimately be harmful to people. Animals are used in scientific experimentation based on a presumption that similarities between animals and humans enable data from animal models to be extrapolated to humans. However, the differences between other species and humans make translating data from animals to people problematic, as different species can respond to the same chemicals in different ways. Therefore, overreliance on animal models is actually counterproductive; it often

sidetracks meaningful scientific progress while wasting millions of taxpayer dollars and other resources.

Innovative, animal-free alternative cosmetics testing methods, including human cell-based tests and sophisticated computer models, are available and offer advantages over traditional animal tests. Animal-free alternatives offer significant cost savings benefits over animal models, are able to generate data more quickly and are better able to predict how these products will affect people.

NAVS' opposition to the use of animals in cosmetics testing is also based on compelling ethical arguments against animal testing, as these tests are cruel and unnecessary and can cause high levels of animal suffering.

We commend the sponsors of this legislation and the members of the House for supporting measure and urge members of this committee to follow suit. Please look to the example of California, New Jersey, New York and Virginia, as well as the entire European Union and countless other countries around the world, in ending the unnecessary cruelty of using animals for chemical safety testing.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marcia Kramer".

Marcia Kramer
Director of Legal/Legislative Programs
312-427-6073



March 15, 2019

RE: Support for HB 704 – An Act concerning animal tested cosmetics

Aloha e Senator Baker and Committee

On behalf of Cruelty Free International, I write in support of HB 704. This bill would make it unlawful for any cosmetic manufacturer to sell a cosmetic in the state if the final product or any component of the cosmetic was developed or manufactured using animal testing that was performed after January 1, 2020.

For ethical, scientific, and economic reasons, the development and utilization of non-animal methods “alternatives” is now a burgeoning field. Non-animal testing methods spare significant numbers of animals from pain, distress, and death. And, crucially non-animal testing methods have higher relevance for humans, compared to tests in animals, and thus to ensure a better protection of human health. Not only do companies have these modern tests at their disposal they also have thousands of existing cosmetic ingredients with histories of safe use and existing safety data that can be utilized without further testing.

Worldwide, many countries have taken steps to end cosmetics testing on animals. Six years ago, the European Union which accounts for nearly half of the global cosmetics market, completely banned the importation and sale of cosmetics that have been tested on animals. Norway, India, and Israel also now prohibit the sale of animal testing for cosmetics and Australia, Canada, Brazil and South Korea, are also making strides.

A bill at the federal level, the Humane Cosmetics Act would end the sale of animal tested cosmetic across the US national level. Last year the bill had 186 bipartisan cosponsors including Hawaii Representatives Tulsi Gabbard and Colleen Hanbusa. Unfortunately, the bill has been slow to advance. In action at the federal level provides an opportunity for states to lead the way

Most, if not all, cosmetic companies that sell products in Hawaii also sell products in the European Union and must already comply with a no-new-animal testing requirement and should be able to do the same for Hawaii consumers. Moreover, last Fall the California Cruelty Free Cosmetics Act was signed into law and goes into effect January 2020. The final bill was supported by industry, consumers and animal protection organizations. The language of HB 704 in alignment with that law and honors the agreements reached with industry on that bill.

Numerous polls show that across the US consumers want cruelty free cosmetics and support laws that protect animals from senseless cruelty. With passage of HB 704 Hawaii can set a national example by matching global progress and meeting consumer demand for safe and humane cosmetics. I respectfully urge your Aye vote.

Me ka 'oia'i 'o

Monica Engebretson
North America Campaign Manager

HB-704-HD-2

Submitted on: 3/15/2019 2:42:29 PM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	Yes

Comments:

HB-704-HD-2

Submitted on: 3/15/2019 2:55:06 PM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Testifying for West Hawaii Humane Society	Support	Yes

Comments:

March 19, 2019, 905am

Dear Chair Baker, Vice-Chair Chang and Members of the Senate Committee on Commerce, Consumer Protection & Health

RE: Strong Support, HB704 HD2; relating to Cosmetics; Cruelty Free Cosmetics Act

The West Hawaii Humane Society asks for your support of HB704, which would prohibit the sale of cosmetics if the ingredients in the products involve testing on animals, **AFTER 2020.**

Numerous polls show that across the US and around the world, consumers want cosmetics that have not been unnecessarily tested on animals and support laws that protect animals from unnecessary cruelty. Attached is a chart that outlines the numerous alternative ingredients and testing methods available and in use today, that are **more effective, safe, efficient and inexpensive, and that DO NOT involve animal testing.**

Last year Cruelty Free International along with The Body Shop collected a record record-breaking 8.3 million petition signatures from all over the world calling for a global end to cosmetics animal testing. Hawaii-born Actress Maggie Q joined us in delivering this call to the United Nations Headquarters in New York last October.

Worldwide, many countries have taken steps to end cosmetics testing on animals. In 2013, the European Union which accounts for nearly half of the global cosmetics market, completely banned the importation and sale of cosmetics that have been tested on animals and last year, the California Cruelty Free Cosmetics Act was signed into law, taking effect in 2020. Per the attached, the bill had broad support from industry, including the Personal Care Products Council (PCPC) and other businesses.

At the national level, the federal Humane Cosmetics Act would end the sale of animal tested cosmetic across the US. It was introduced last year by 169 bipartisan cosponsors including Hawaii Representatives Tulsi Gabbard and Colleen Hanabusa. The bill has

also garnered the support of over 150 cosmetic companies of all sizes. Unfortunately, the bill has been slow to advance in Congress thus states are enacting their own laws that would complement any future federal prohibition on sales.

While no specific amendments have been proposed by the PCPC in prior committees, it is our understanding that they may at some point request an amendment to allow for dual use exemptions per Page 5, Line 7 Section (4). Should the Committee so desire, and to be consistent given current US law (California) does NOT provide for this exemption, we recommend additional language only if Congress equally enacts laws or rules providing for this exemption in future legislation (i.e. adding Notwithstanding federal rules or laws to the contrary...)

With passage of the Cruelty Free Cosmetics Act, Hawaii can set a national example by matching global progress and meeting consumer demand for safe and humane cosmetics.

Thank you for your consideration.

Inga Gibson

On behalf of West Hawaii Humane Society

Westhawaiihumanesociety@gmail.com; 808.922.9910

Attached:

The Body Shop Letter of Support

Gabriel Cosmetics Inc Letter of Support

Personal Care Products Council Press Release

Proctor & Gamble Press Announcement

HB704 Information Sheet

Table 1. Standard Cosmetic Safety Tests: Animals vs. Alternatives



March 18, 2019

Via Electronic Mail

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health
Hawaii State Legislature
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: HB 704 HD2 – OPPOSE UNLESS AMENDED

Chair Baker and Vice Chair Chang:

On behalf of the members of the Personal Care Products Council (PCPC), I am writing to oppose HB 704 HD2 as currently written.

PCPC is the leading national trade association for the global cosmetics and personal care products industry. Founded in 1894, PCPC's 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on every day, from sunscreens, toothpaste and shampoo to moisturizer, lipstick and fragrance, our member companies are global leaders committed to product safety, quality and innovation.

Cosmetics and personal care products companies are strong leaders in the search for and development of non-animal alternative testing methods for safety assessments, and have worked with regulators in the U.S. and globally to gain acceptance of these alternative methods. For nearly four decades, our member companies have been at the forefront in significantly reducing the use of animals in product safety testing. Our member companies firmly believe eliminating animal testing is the right thing to do. We all share in the goal of making any animal testing for cosmetics and personal care products obsolete globally.

While HB 704 HD2 is well intentioned, we have serious concerns over the provisions in the bill regarding the use of non-cosmetic animal testing data. Our industry's foremost objective is to assure the safety of cosmetic products and ingredients. While our industry abandoned the use of animal testing in the early 1980s, it remains true that in certain cases, and for certain ingredients, non-animal alternatives may not be adequate to address necessary safety endpoints. In these cases, industry scientists and safety assessors should be allowed to rely on existing data from testing that was done to address regulatory requirements for non-cosmetic purposes, such as for an ingredient's use in drugs or food, or for evaluation under chemicals management programs as required by some governments.

It is important to emphasize that no new animal testing would result from industry's use of non-cosmetic animal test data. Not one additional animal would be affected.

The ability to rely on data developed for non-cosmetic purposes is critical in:

1. Assuring ingredient safety for new ingredients;

2. Answering new questions on existing ingredients; and
3. Developing the next generation of non-animal approaches and models (NAMs) which will extend beyond cosmetics.

We therefore propose that HB 704 HD2 be amended to allow manufacturers to rely on non-cosmetic animal test data for the purposes of evaluating the safety of ingredients. We would note that this is also the approach followed in the European Union and other countries. The alignment of U.S. and global regulatory approaches benefits regulators and consumers and positions U.S. cosmetic manufacturers to compete in a global economy on the basis of quality, safety and innovation.

Product safety is our industry's top priority. We remain committed to advancing the science of non-animal testing methodologies that will ensure the safety of cosmetic ingredients, and promoting the use of non-animal methods with regulators and industry around the globe.

We look forward to the opportunity to work with you on proposed amendments that would align this legislation with industry's commitments and that would assure Hawaii's consumers are offered products that meet the highest standards of safety and innovation. Thank you for your consideration.

Sincerely,



Francine Lamoriello
Executive Vice President, Global Strategies



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 19, 2019**

Re: HB 704 HD2 Relating to Cosmetics

Good morning Chairperson Baker and members of the Senate Committee on Commerce Consumer Protection and Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

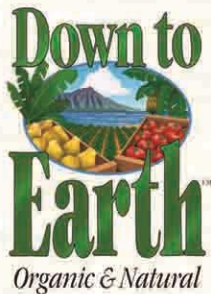
The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We would like to offer comments on HB 704 HD2 Relating to Cosmetics. This measure bans, beginning January 1, 2021, the import for profit, sale, and offer for sale of any cosmetic in the State, if the final product or any component of the product was developed or manufactured using animal testing performed on or after January 1, 2021.

We would like to ask for an amendment that would exempt those products that the FDA require further testing on animals. Consumer are the driving force in what products retailers stock and sell in their stores. Over the years we have seen a substantial amount of companies who no longer test their products on animals when there is an alternative available. We do not want to see those companies who are complying by not testing on animals be mandated by the FDA to do further testing on animals on particular product(s) and now not able to sell their product through no fault of their own.

Mahalo again for this opportunity to testify.

Love Life!



HB 704 HD2 RELATING TO COSMETICS
Senate Committee on Commerce, Consumer Protection, and Health
February 19, 2019, 9:00am State Capitol

Aloha Sen. Rosalyn Baker, Chair, Sen. Stanley Chang, Vice Chair, and Committee Members,

Down to Earth Organic and Natural testifies in support of HB 704 HD2.

Down to Earth Organic and Natural has six locations on Oahu and Maui. Since our founding in 1977 Down to Earth has supported the living of a healthy lifestyle and protection of the environment by selling local, fresh, organic and natural products, and promoting the eating of natural and organic products and the following of a plant-based vegetarian diet.

We support HB 704 HD2 as an important effort to prevent unnecessary animal cruelty in laboratories. By encouraging cosmetic producers to find safer and kinder methods of testing their products, we will be sending the world the message that Hawaii has aloha for animals as well as people.

Thank you for the opportunity to comment on this bill.

Alison Riggs
Public Policy & Government Relations Manager
Down to Earth

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HB-704-HD-2

Submitted on: 3/15/2019 5:30:39 PM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaunette Itsuno	Individual	Support	No

Comments:

HB-704-HD-2

Submitted on: 3/15/2019 11:49:09 AM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Support	No

Comments:

Some ban on animal testing is needed and appropriate.

HB-704-HD-2

Submitted on: 3/17/2019 10:45:22 AM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherrell Watson	Individual	Support	No

Comments:

I support this bill as not only is animal testing unnecessary and cruel, it's also not as accurate as the newer lab tests. Testing on human cells, computer modeling, and using human volunteers, are much more effective and accurate, ensuring the products are truly safe for human use.

HB-704-HD-2

Submitted on: 3/15/2019 9:20:22 PM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

This is AMAZING!

HB-704-HD-2

Submitted on: 3/18/2019 9:58:39 AM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB704, which would ban the sale of cosmetics tested on laboratory animals. There are many alternatives to testing which neither put human patients at risk nor halt medical progress, such as reduction and replacement models.

Thank you for your time,

Andrea Quinn
Kihei, Hawaii

HB-704-HD-2

Submitted on: 3/18/2019 10:19:38 AM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lory Ono	Individual	Support	No

Comments:

I fully support a ban on any cosmetic product being sold in Hawaii on which animals were used for product safety testing. Testing on animals is cruel, and I am therefore extremely opposed to this inhumane practice. Please pass this bill.

HB-704-HD-2

Submitted on: 3/18/2019 10:50:01 AM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Boyne	Individual	Support	No

Comments:

I strongly support **HB 704**, which would prohibit manufacturers from selling, importing or offering for sale in Hawaii any cosmetic product on which animals were used for product safety testing, and follows the precedent set by states like California, New York and others, which have passed similar legislation that prohibits manufacturers from selling animal-tested cosmetics if an alternative test method is available.

HB-704-HD-2

Submitted on: 3/18/2019 2:05:20 PM

Testimony for CPH on 3/19/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Hamilton	Individual	Support	No

Comments: