

SENATE No. 459

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the use of animals in product testing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Mark C. Montigny	Second Bristol and Plymouth	
Lori A. Ehrlich	8th Essex	1/27/2017
Daniel J. Ryan	2nd Suffolk	1/27/2017
Kay Khan	11th Middlesex	1/28/2017
Jack Lewis	7th Middlesex	2/1/2017
Paul R. Heroux	2nd Bristol	2/1/2017
Walter F. Timilty	Norfolk, Bristol and Plymouth	2/1/2017
Danielle W. Gregoire	4th Middlesex	2/2/2017
James B. Eldridge	Middlesex and Worcester	2/2/2017
Michael O. Moore	Second Worcester	2/2/2017
Patrick M. O'Connor	Plymouth and Norfolk	2/2/2017
Sal N. DiDomenico	Middlesex and Suffolk	2/3/2017
Denise Provost	27th Middlesex	2/3/2017
James Arciero	2nd Middlesex	2/3/2017

SENATE No. 459

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 459) of Mark C. Montigny, Lori A. Ehrlich, Daniel J. Ryan, Kay Khan and other members of the General Court for legislation relative to the use of animals in product testing. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act concerning the use of animals in product testing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1: Chapter 140 of the General Laws is hereby amended by inserting after Section
2 174F the following new section:-

3 (a) For the purposes of this act:

4 "Alternative test method" means a test method or strategy that replaces vertebrate animal
5 testing, when a non-animal method is available, and provides information of equivalent or better
6 scientific quality and relevance for its intended purpose, including: methods identified by
7 validation bodies such as the Interagency Coordinating Committee on the Validation of
8 Alternative Methods or the Organization for Economic Co-operation and Development.

9 Alternative test method includes, but is not limited to, computational toxicology and
10 bioinformatics; high-throughput screening methods; testing of categories of chemical substances;

11 tiered testing methods; in vitro studies; and systems biology; or reduces and refines vertebrate
12 animal testing when there is no non-animal method available;

13 "Animal" means any vertebrate other than humans;

14 "Contract testing facility" means any partnership, corporation, association, or other legal
15 relationship that tests chemicals, ingredients, product formulations, or products in the State;

16 "Manufacturer" means any partnership, corporation, association, or other legal
17 relationship that produces products, product formulations, chemicals, or ingredients in the State;

18 "Medical research" means research related to the causes, diagnosis, treatment, control, or
19 prevention of physical or mental diseases and impairments of humans and animals or related to
20 the development of biomedical products, devices, or drugs as defined in 21 U.S.C. s.321.

21 "Medical research" shall not include the testing of an ingredient that was formerly used in a drug,
22 tested for the drug use with traditional animal test methods to characterize the ingredient and to
23 substantiate its safety for human use, and currently is proposed for use in a product other than a
24 biomedical product, device, or drug;

25 "Traditional animal test method" means a process or procedure using animals to obtain
26 information regarding the biological effects of exposure to a chemical or agent.

27 (b) (1) When conducting any ingredient or product testing in the State, no
28 manufacturer or contract testing facility shall use a traditional animal test method for which an
29 appropriate alternative test method or strategy exists. No provision of this subsection shall be
30 construed to apply to any animal test conducted for the purposes of medical research.

31 (2)No provision of this section shall prohibit the use of any alternative test method for
32 the testing of any product, product formulation, chemical, or ingredient that is not defined in
33 subsection (a).

34 (3)No provision of this section shall prohibit the use of animal tests to comply with the
35 requirements of State or federal agencies when the federal agency has approved an alternative
36 test method or strategy pursuant to (1) of this subsection and the federal agency concludes that
37 the alternative test method or strategy does not assure the health or safety of consumers.

38 (c)Notwithstanding any other provision of law, or any rule or regulation adopted
39 pursuant thereto, to the contrary, the exclusive remedy for enforcing this act shall be the
40 Attorney General bringing a civil action in a court of competent jurisdiction to restrain the
41 violation and for other further relief as the court shall determine is proper.

42 (d) This act shall take effect 6 months from the date of passage.

43