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Legislative Document

No. 1551

H.P. 1156

House of Representatives, April 22, 2021

**An Act To Ban the Sale of Cosmetics That Have Been Tested on
Animals**

Received by the Clerk of the House on April 20, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: GROHOSKI of Ellsworth, HEPLER of Woolwich, MEYER of Eliot,
O'CONNOR of Berwick, PEBWORTH of Blue Hill, Senator: CARNEY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA c. 233** is enacted to read:

3 **CHAPTER 233**

4 **SALE OF COSMETICS TESTED ON ANIMALS**

5 **§1500-M. Sale or offer for sale of cosmetics tested on animals**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Cosmetic" means:

9 (1) An article intended to be rubbed, poured, sprinkled or sprayed on, introduced
10 into or otherwise applied to the human body or any part of the body for cleansing,
11 beautifying, promoting attractiveness or altering the appearance; and

12 (2) An article intended for use as a component of an article identified in
13 subparagraph (1).

14 "Cosmetic" does not include soap.

15 B. "Cosmetic animal testing" means the internal or external application or exposure of
16 any cosmetic product, cosmetic ingredient or nonfunctional constituent to the skin,
17 eyes or any other body part, organ or extremity of a live, nonhuman vertebrate.

18 C. "Cosmetic ingredient" has the same meaning as "ingredient," as defined in 21 Code
19 of Federal Regulations, Section 700.3(e) (2021).

20 D. "Cosmetic product" means a cosmetic the manufacture of which has been
21 completed.

22 E. "Manufacturer" means an entity that is a manufacturer required to specify
23 conspicuously its name and place of business on the label of a cosmetic in package
24 form pursuant to 21 Code of Federal Regulations, Section 701.12.

25 F. "Nonfunctional constituent" means an incidental ingredient listed in 21 Code of
26 Federal Regulations, Section 701.3(l) (2021).

27 G. "Supplier" means an entity that provides, whether directly or through a 3rd party, a
28 cosmetic ingredient used by a manufacturer in the formulation of a cosmetic product.

29 **2. Prohibition on the sale or offer for sale of certain cosmetics.** Notwithstanding
30 any other provision of law to the contrary, a manufacturer may not sell or offer to sell in
31 the State a cosmetic if the cosmetic was developed or manufactured using cosmetic animal
32 testing that was conducted or contracted for by the manufacturer or any supplier of the
33 manufacturer on or after November 1, 2021.

34 A county or any other political subdivision of the State may not establish or continue any
35 prohibition on or relating to cosmetic animal testing that is not identical to the prohibitions
36 in this section.

37 **3. Exemptions.** This section does not apply to:

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A. Cosmetic animal testing:

(1) Conducted outside of the United States and in order to comply with a requirement of a foreign regulatory authority as long as no evidence derived from the testing was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product being sold by the manufacturer in the State;

(2) Conducted for any cosmetic or cosmetic ingredient subject to regulation under Chapter V of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 351;

(3) Conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product and conducted pursuant to a requirement of a federal, state or foreign regulatory authority as long as no evidence derived from the testing was relied upon to substantiate the safety of a cosmetic sold in this State by a manufacturer, unless all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

(b) There is documented evidence of the noncosmetic intent of the test; and

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

(4) Requested, required or conducted by a federal or state regulatory authority and all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

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

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

B. A cosmetic if the cosmetic in its final form was tested on animals before November 1, 2021, even if the cosmetic is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021;

C. A cosmetic ingredient if it was tested on animals before November 1, 2021, even if the ingredient is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021; or

