

2021 -- S 0531

LC001947

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Ciccone, Calkin, Ruggerio, and Acosta

Date Introduced: March 04, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-1 and 4-1-3 of the General Laws in Chapter 4-1 entitled "Cruelty
2 to Animals" are hereby amended to read as follows:

3 **4-1-1. Definitions -- Responsibility for agents and employees.**

4 (a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

5 (1) "Animal" and "animals" means every living creature except a human being.

6 (2) "Cosmetic" means:

7 (i) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
8 otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting
9 attractiveness, or altering the appearance; and

10 (ii) Articles intended for use as a component of any such articles, except that such term
11 shall not include soap.

12 (3) "Cosmetic animal testing" means the internal or external application or exposure of any
13 cosmetic product, or any cosmetic ingredient or non-functional constituent, to the skin, eyes, or
14 other body part (organ or extremity) of a live non-human vertebrate for the purpose of evaluating
15 the safety or efficacy of a cosmetic product or a cosmetic ingredient or non-functional constituent
16 for the use in a cosmetic product.

17 (4) "Cosmetic ingredient" means any single chemical entity or mixture used as a
18 component in the manufacture of a cosmetic product, as defined in Section 700.3(e) of Title 21 of
19 the Code of Federal Regulations.

1 (5) "Cosmetic product" means a finished cosmetic, the manufacture of which has been
2 completed.

3 ~~(4)~~(6) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
4 owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
5 possesses, has title to or an interest in, harbors, or has control, custody, or possession of an animal
6 and who is responsible for an animal's safety and well-being.

7 ~~(2)~~(7) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to
8 engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate
9 of an accredited veterinary medical, surgical, and dental school or college of a standard recognized
10 by the Rhode Island Veterinary Medical Association.

11 (8) "Manufacturer" means any person whose name appears on the label of a cosmetic
12 product pursuant to the requirements of 21 C.F.R. 701.12.

13 (9) "Non-functional constituent" means any incidental ingredient as defined in section
14 701.3(1) of Title 21 of the Code of Federal Regulations.

15 ~~(3)~~(10) "Owner," "person," and "whoever" means corporations as well as individuals.

16 (11) "Supplier" means any entity that supplies, directly or through a third party, any
17 ingredient used in the formulation of a cosmetic product.

18 ~~(5)~~(12) Except for livestock as defined in § 4-26-3(6), "adequate living conditions" shall
19 mean a sanitary environment that is dry and free of accumulated feces and free of debris and
20 garbage that may clutter the environment, pose a danger, or entangle the animal. The environment
21 in which the animal is kept must be consistent with federal regulatory requirements, where
22 applicable, or generally recognized professional standards, where applicable, or otherwise be of
23 sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and
24 suitable to maintain the animal in a good state of health. "Adequate living conditions" for livestock
25 as defined in § 4-26-3(6) shall mean best management practices established, no later than July 1,
26 2014, by the Rhode Island livestock welfare and care standards advisory council.

27 ~~(6)~~(13) Except for livestock as defined in § 4-26-3, "hazardous accumulation of animals"
28 means the accumulation of a large number of animals, to a point where the owner, possessor, or
29 person having the charge of custody of the aforementioned animals fails to or is unable to provide
30 "adequate living conditions" as defined herein, resulting in harm or danger to the health and
31 wellbeing of the animals.

32 (b) The knowledge and acts of agents of and persons employed by corporations in regard
33 to animals transported, owned or employed by or in the custody of that corporation are held to be
34 the acts and knowledge of that corporation.

1 **4-1-3. Unnecessary cruelty.**

2 (a) Every owner, possessor, or person having the charge or custody of any animal, who
3 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who
4 carries that animal or who fails to provide that animal with adequate living conditions as defined
5 in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or
6 causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner;
7 or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that
8 animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or
9 causes to have placed, on any animal any substance that may produce irritation or pain or that is
10 declared a hazardous substance by the U.S. Food and Drug Administration or by the state
11 department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the
12 offense described in this section results in the death of the animal, the person shall be punished in
13 the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of
14 any animal is found guilty of or pleads nolo contendere to a violation of this section and said
15 violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty
16 under this section, take into account whether the defendant's conduct could be considered to be the
17 result of a mental health disorder as defined in § 27-38.2-2.

18 (b) The substances proscribed by subsection (a) do not include any drug having curative
19 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

20 (c) University, college, or hospital research facilities licensed and/or inspected by the U.S.
21 Department of Agriculture or the U.S. Public Health Service of the Department of Health and
22 Human Services shall be exempt from the provisions of subsection (a) provided that they are in
23 good standing with the federal agency responsible for licensing or assurance of the facility.

24 (d)(1) No manufacturer shall sell or offer for sale in the state any cosmetic that was
25 developed or manufactured using cosmetic animal testing, if such testing was conducted or
26 contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2022.

27 (2) The prohibitions of subsection (d)(1) of this section do not apply to cosmetics
28 developed or manufactured using cosmetic animal testing if:

29 (i) Such testing is required by a federal or state regulatory authority; and

30 (A) There is no non-animal alternative method or strategy recognized by any federal
31 agency or the organization for economic cooperation and development for the relevant safety
32 endpoints for the cosmetic ingredient or non-functional constituent;

33 (B) The cosmetic ingredient or non-functional constituent poses a risk of causing serious
34 adverse health consequences or death; and

1 (C) The cosmetic ingredient or non-functional constituent is in wide use and, in the case of
2 a cosmetic ingredient, cannot be replaced by another ingredient capable of performing a similar
3 function;

4 (ii) Such testing is conducted outside the United States and in order to comply with a
5 requirement of a foreign regulatory authority; provided, that no evidence derived from such testing
6 is relied upon to substantiate the safety of the cosmetic;

7 (iii) Such testing is conducted on a product or ingredient subject to the requirements of
8 Subchapter V of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 et seq.; or

9 (iv) Such testing is requested, required, or conducted for non-cosmetic purposes and
10 pursuant to a requirement of a federal, state, or foreign regulatory authority to conduct such testing.
11 However, for cosmetic animal testing exempted under this subsection, no evidence derived from
12 such testing conducted after the effective date may be relied upon to establish the safety of a
13 cosmetic, unless:

14 (A) There is no non-animal alternative method or strategy recognized by any federal
15 agency or the organization for economic cooperation and development for the relevant safety
16 endpoints for such ingredient;

17 (B) There is documented evidence of the intent to conduct the testing for purposes
18 unrelated to the development of a cosmetic; and

19 (C) There is a history of use of the ingredient in a product that is not a cosmetic at least one
20 year prior to the manufacturer's reliance on such data.

21 (3) Subsection (d) of this section shall not apply to:

22 (i) A cosmetic product if the cosmetic in its final form was tested on animals before the
23 effective date of this act, even if the cosmetic is manufactured on or after the date; provided, that
24 no new animal testing in violation of this subsection occurs after the effective date of this act;

25 (ii) An ingredient in a cosmetic if the cosmetic ingredient was tested on animals before the
26 effective date of this act, even if the ingredient is manufactured on or after that date; provided, that
27 no new animal testing in violation of this subsection occurs after the effective date; or

28 (iii) A cosmetic manufacturer reviewing, assessing, or retaining evidence from a cosmetic
29 animal test.

30 (4) Any manufacturer that violates subsection (d)(1) of this section shall be subject to a
31 penalty of not more than one thousand dollars (\$1,000) for each offense. If the violation is of a
32 continuing nature, each day during which the violation continues constitutes an additional, separate,
33 and distinct offense.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

1 This act would prohibit the sale or offer for sale of any cosmetic product by a cosmetic
2 manufacturer or supplier of cosmetic ingredients using cosmetic animal testing on or after January
3 1, 2022, with certain exceptions. Any violations of this prohibition would be subject to a penalty
4 of not more than one thousand dollars (\$1,000) per violation.

5 This act would take effect upon passage.

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