

SENATE BILL REPORT

SHB 1615

As of February 17, 2022

Title: An act relating to the sale of cosmetics tested on animals.

Brief Description: Concerning the sale of cosmetics tested on animals.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons, Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby).

Brief History: Passed House: 1/28/22, 89-5.

Committee Activity: Law & Justice: 2/17/22.

Brief Summary of Bill

- Prohibits the sale of cosmetics that were developed or manufactured using cosmetic animal testing conducted or contracted by manufacturers or their suppliers, subject to exceptions.
- Establishes fines for manufacturer violations up to \$5,000 per violation.
- Establishes that violations are unfair or deceptive acts in trade or commerce and are unfair methods of competition in violation of the Washington Consumer Protection Act.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: The Washington Consumer Protection Act (CPA) prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce, conspiracies in restraint of trade or commerce, and monopolies. Any person who is injured by a violation of the CPA may bring a civil action to enjoin further

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violations, to recover actual damages, or both, and may recover costs of the lawsuit, including a reasonable attorney's fee.

The Office of the Attorney General (AGO) may bring an action in the name of the state, or on behalf of persons residing in the state, against any person to restrain or prevent any action prohibited by the CPA. If the AGO prevails, the office may recover costs of the action, including a reasonable attorney's fee. The AGO may also seek civil penalties up to the statutorily authorized maximums against any person who violates the CPA. Civil penalties are paid to the state.

Summary of Bill: Prohibition. Beginning January 1, 2023, it is unlawful for manufacturers to sell or offer for sale in Washington a cosmetic that was developed or manufactured using cosmetic animal testing conducted or contracted for by the manufacturer or its supplier.

Exceptions. It is not unlawful for manufacturers to sell a cosmetic developed or manufactured using cosmetic animal testing conducted or contracted for by the manufacturers, or its supplier, when such cosmetic animal testing is:

- conducted outside of the United States to comply with a foreign regulatory authority's requirement if no evidence derived from the testing was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product sold by a manufacturer in Washington;
- conducted for any cosmetic or cosmetic ingredient subject to regulation under applicable portions of the federal Food, Drug, and Cosmetic Act;
- conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product, and is conducted under a requirement of a federal, state, or foreign regulatory authority, if no evidence derived from the testing was relied upon to substantiate the safety of a cosmetic sold in Washington, unless additional criteria are satisfied, including that there is no nonanimal alternative method recognized by any federal or state agency; and
- requested, required, or conducted by a federal or state regulatory authority and additional criteria are satisfied, including that there is no nonanimal alternative method or strategy recognized by any federal or state agency.

It is also not unlawful for manufacturers to sell a cosmetic developed or manufactured using cosmetic animal testing conducted or contracted by the manufacturer, or its supplier, when:

- a cosmetic in its final form, or ingredient in a cosmetic, was tested on animals before January 1, 2023, even if the cosmetic or ingredient is manufactured after January 1, 2023, provided that no new animal testing occurs after that date; or
- a cosmetic manufacturer reviews, assesses, or retains evidence from a cosmetic animal test.

Enforcement and Preemption. Manufacturers in violation of these requirements commit a civil violation punishable by a fine of not more than \$5,000 for each violation. A violation

of the requirements also constitutes an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the CPA.

No political subdivision of the state may establish or continue any prohibition on or relating to cosmetic animal testing that is not identical to the prohibitions in this act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2023.

Staff Summary of Public Testimony: PRO: Studies performed by the National Institute of Health indicate that 90 percent of cosmetic animal tests are inaccurate because most animals that are tested upon do not share physiological similarities with humans. Cosmetic animal tests are cruel because animals are not covered under welfare laws, and such testing can result in the death of the animal. Alternative cosmetic tests are more reliable than cosmetic animal tests, such as computer tests and tests involving regrown human skin cells or cadavers. A number of cosmetic products have been proven safe to use after years of use and should no longer be tested on animals. Consumers are becoming increasingly aware of ethical issues related to cosmetic animal testing. The Personal Care Products Council, the leading national trade association for cosmetics and personal care products companies, also supports bipartisan legislation to end cosmetic animal testing. Washington should join the eight other states and 41 countries which have already enacted prohibitions on cosmetic animal tests.

Persons Testifying: PRO: Josh Diamond, Animal Rights Initiative; Amanda Henson, Animal Rights Initiative; Steph Taylor, Northwest Animal Rights Network; Dan Paul, The Humane Society of the United States; Joan Beldn; Shelly Helder, Hawkins Middle School, Capital Classroom.

Persons Signed In To Testify But Not Testifying: No one.