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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To substantially restrict the use of animal testing for cosmetics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on _____

A BILL

To substantially restrict the use of animal testing for cosmetics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Humane Cosmetics
5 Act of 2023”.

6 **SEC. 2. ANIMAL TESTING.**

7 (a) PROHIBITION ON ANIMAL TESTING.—Beginning
8 on the date that is 1 year after the date of enactment
9 of this Act, it shall be unlawful to knowingly conduct or

1 contract for cosmetic animal testing that occurs in the
2 United States.

3 (b) PROHIBITION ON SALE OR TRANSPORT.—Begin-
4 ning on the date that is 1 year after the date of enactment
5 of this Act, it shall be unlawful to knowingly sell, offer
6 for sale, or transport in interstate commerce in the United
7 States any cosmetic product that was developed or manu-
8 factured using cosmetic animal testing that was conducted
9 or contracted for by any person in the supply chain of
10 the cosmetic product after such date.

11 (c) DATA USE.—

12 (1) IN GENERAL.—No evidence derived from
13 animal testing conducted after the effective date
14 specified in subsection (a) may be relied upon to es-
15 tablish the safety of a cosmetic, cosmetic ingredient,
16 or nonfunctional constituent under the Federal
17 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
18 seq.), unless—

19 (A) such animal testing is subject to an ex-
20 emption under subsection (d)(2); or

21 (B) in the case of such animal testing on
22 an ingredient or nonfunctional constituent—

23 (i) there is no non-animal alternative
24 method or strategy recognized by any Fed-
25 eral agency, the Interagency Coordinating

1 Committee on the Validation of Alternative
2 Methods, or the Organisation for Economic
3 Co-operation and Development for the rel-
4 evant safety endpoints for such ingredient
5 or nonfunctional constituent for use in cos-
6 metics; and

7 (ii)(I) such animal testing is subject
8 to an exemption under subsection (d)(3);
9 or

10 (II)(aa) such animal testing is subject
11 to an exemption under subsection (d)(4);

12 (bb) there is documented evidence of
13 the non-cosmetic intent of the test; and

14 (cc) there is a history of use of the in-
15 gredient outside of cosmetics at least 1
16 year prior to the reliance on evidence de-
17 scribed in the matter preceding subpara-
18 graph (A).

19 (2) LIMITATION.—This section shall not be con-
20 strued to prohibit any entity from reviewing, assess-
21 ing, or retaining evidence generated from animal
22 testing.

23 (d) EXEMPTIONS.—Subsections (a) and (b) shall not
24 apply with respect to animal testing—

1 (1) conducted outside the United States in
2 order to comply with a requirement from a foreign
3 regulatory authority;

4 (2) requested, required, or conducted by the
5 Secretary, following—

6 (A) a written finding by the Secretary
7 that—

8 (i) there is no non-animal alternative
9 method or strategy for the relevant safety
10 endpoints for the cosmetic ingredient or
11 nonfunctional constituent;

12 (ii) there is information received by
13 the Secretary of adverse health effects,
14 other than minor and transient reactions
15 or minor and transient skin irritations in
16 some users, related to the cosmetic ingre-
17 dient or nonfunctional constituent; and

18 (iii) the cosmetic ingredient cannot be
19 replaced by another cosmetic ingredient ca-
20 pable of performing a similar function;

21 (B) publication by the Secretary, on the
22 website of the Food and Drug Administration,
23 of the written finding under subparagraph (A)
24 together with a notice that the Secretary in-
25 tends to request, require, or conduct new ani-

1 mal testing, and providing a period of not less
2 than 60 calendar days for public comment; and

3 (C) a written determination by the Sec-
4 retary, after review of all public comments re-
5 ceived pursuant to subparagraph (B), that no
6 previously generated data that could be sub-
7 stituted for, or otherwise determined sufficient
8 to replace, the data expected to be produced
9 through new animal testing is available for re-
10 view by the Secretary;

11 (3) conducted for any product or ingredient
12 that is subject to regulation under chapter V of the
13 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 351 et seq.); or

15 (4) conducted for non-cosmetic purposes pursu-
16 ant to a requirement of a Federal, State, or foreign
17 regulatory authority.

18 (e) CIVIL PENALTIES.—

19 (1) IN GENERAL.—In addition to any other
20 penalties under applicable law, the Secretary may
21 impose on any person who violates this section a
22 civil penalty in an amount of not more than \$10,000
23 for each such violation, as determined by the Sec-
24 retary.

1 (2) MULTIPLE VIOLATIONS.—Each violation of
2 this section with respect to a separate animal, and
3 each day that a violation of this Act continues, con-
4 stitutes a separate offense.

5 (f) RECORDS ACCESS.—

6 (1) IN GENERAL.—The Secretary may request
7 any records or other information from a cosmetic
8 manufacturer that such manufacturer relied upon to
9 meet the criteria in subsection (c)(1)(B)(ii)(II).
10 Such manufacturer shall, upon such request of the
11 Secretary in writing, provide to the Secretary such
12 records or other information, within a reasonable
13 timeframe, within reasonable limits, and in a reason-
14 able manner, and in either electronic or physical
15 form, at the expense of such manufacturer. The Sec-
16 retary's request shall include a sufficient description
17 of the records requested and reference this sub-
18 section.

19 (2) CONFIRMATION OF RECEIPT.—Upon receipt
20 of the records requested under paragraph (1), the
21 Secretary shall provide to the manufacturer con-
22 firmation of receipt.

23 (3) INSPECTION AUTHORITY.—Nothing in this
24 subsection supplants the authority of the Secretary
25 to conduct inspections otherwise permitted under the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 301 et seq.).

3 (g) STATE AUTHORITY.—No State or political sub-
4 division of a State may establish or continue in effect any
5 prohibition relating to cosmetic animal testing, or to the
6 regulation of data use related to animal testing, that is
7 not identical to the prohibitions set forth in subsections
8 (a), (b), and (c), and that does not include the exemptions
9 contained in subsections (c) and (d). No State or political
10 subdivision of a State may require any entity to perform
11 cosmetic animal testing that is not permitted by sub-
12 section (a).

13 (h) DEFINITIONS.—

14 (1) COSMETIC.—The term “cosmetic” has the
15 meaning given such term in section 201(i) of the
16 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
17 321(i)).

18 (2) COSMETIC ANIMAL TESTING.—The term
19 “cosmetic animal testing” means the internal or ex-
20 ternal application or exposure of any cosmetic prod-
21 uct, cosmetic ingredient, or nonfunctional con-
22 stituent to the skin, eyes, or other body part (organ
23 or extremity) of a live non-human vertebrate for the
24 purpose of evaluating the safety or efficacy of a cos-

1 metic product or a cosmetic ingredient or nonfunc-
2 tional constituent for use in a cosmetic product.

3 (3) NONFUNCTIONAL CONSTITUENT.—The term
4 “nonfunctional constituent” means any incidental in-
5 gredient as defined in section 701.3(1) of title 21,
6 Code of Federal Regulations, on the date of enact-
7 ment of this section.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Health and Human Services.