

JAN 19 2018

A BILL FOR AN ACT

RELATING TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that according to Cruelty
2 Free International, for more than fifty years, animals have been
3 used in painful tests to assess the safety of certain chemicals
4 used in cosmetic products and household cleaners. Consumers and
5 scientists have become increasingly skeptical about the
6 necessity and validity of animal testing for cosmetics and
7 household products because animal testing alternatives are
8 available that are cheaper, faster, and better able to predict
9 human reactions.

10 For example, testing chemicals for skin irritation does not
11 require rabbits to be subjected to toxic levels of the
12 substances because human cells can be grown in vitro to test the
13 chemicals. These tests are more relevant to human safety
14 because they are tested on human cells, not rabbit cells.
15 Similarly, eye irritation tests no longer require the eyes of
16 live animals because corneas can be cultured in vitro for



1 testing or procured from the eyes of animals already killed for
2 food production.

3 The legislature further finds that according to Cruelty
4 Free International, hundreds of cosmetic and household product
5 companies have voluntarily ceased animal testing. However,
6 without any laws banning animal testing, countless animals are
7 vulnerable to cruel tests. There are no federal laws in the
8 United States that prohibit the use of animals for cosmetic or
9 household product testing or require companies to first look to
10 available test alternatives. On the state level, three states
11 require alternative test methods, if available, to be used for
12 cosmetic and household product testing. In 2000, California
13 became the first state in the nation to mandate the use of
14 alternative test methods, and New Jersey and New York followed
15 in 2007 and 2008, respectively.

16 The purpose of this Act is to prohibit manufacturers,
17 contract testing facilities, and research facilities in Hawaii
18 from using animal test methods for which an alternative test
19 method is available.



SECTION 2. Chapter 142, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

"§142- Animal testing; alternative methods. (a) No manufacturer, contract testing facility, or research facility shall use an animal test method in this State if an alternative method is available that provides information of equivalent or better scientific quality and relevance than the animal test method.

(b) Nothing in this section shall prohibit the use of test methods or strategies that do not use animals and are not alternative methods as defined under subsection (e).

(c) Nothing in this section shall apply to any animal test method performed for the purpose of medical research.

(d) Notwithstanding any other law to the contrary, the exclusive remedy for any violation of this section shall be a civil action for injunctive relief brought by the attorney general in the circuit court of the circuit where the alleged violation occurred. The court may impose a civil fine not to exceed \$5,000 on the manufacturer, contract testing facility, or research institution in violation of this section.



1 (e) For purposes of this section:

2 "Alternative method" means a test method or strategy that:

3 (1) Does not use animals, or uses fewer animals or causes
4 less suffering to animals when there is no appropriate
5 non-animal test method or strategy available; and

6 (2) Has been validated according to international
7 validation principles or identified by validation
8 bodies, and adopted by the relevant federal agency or
9 program within an agency responsible for regulating
10 the specific product or activity for which the test
11 method or strategy is being conducted.

12 "Alternative method" includes but is not limited to
13 computational toxicology and bioinformatics, high throughput
14 screening methods, chemical substance category testing, tiered
15 testing methods, in vitro studies, and systems biology,
16 including new or revised methods.

17 "Animal" means a live vertebrate nonhuman animal.

18 "Animal test method" means a process or procedure using
19 animals to obtain information on the characteristics of a
20 chemical or agent, or the biological effect of exposure to a
21 chemical or agent under specified conditions.



1 "Contract testing facility" means any partnership,
2 corporation, association, or other legal relationship that tests
3 chemicals, ingredients, product formulations, or products in
4 this State.

5 "Manufacturer" means any partnership, corporation,
6 association, or other legal relationship that produces
7 chemicals, ingredients, product formulations, or products in
8 this State.

9 "Medical research" means research related to the causes,
10 diagnosis, treatment, control, or prevention of physical or
11 mental diseases and impairments of humans and animals, or
12 related to the development of biomedical products, devices, or
13 drugs. "Medical research" shall not include the testing of an
14 ingredient that was formerly used in a drug, was tested for drug
15 use by humans under animal test methods aimed to characterize
16 the ingredient and substantiate its safety, and is proposed for
17 use in a product other than a biomedical product, device, or
18 drug.

19 "Research facility" means a facility of an institution of
20 higher education that receives public money, including tax
21 exempt status; a facility that provides research in



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1 collaboration with an institution of higher education; or a
2 facility that uses animal test methods for science, testing,
3 education, or research purposes."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2113

Report Title:

Animals; Animal Testing; Alternatives; Manufacturer; Contract
Test Facility; Research Facility; Penalty

Description:

Prohibits manufacturers, contract testing facilities, and
research facilities in Hawaii from using animal test methods for
which an alternative test method is available. Imposes a civil
fine and authorizes the attorney general to seek injunctive
relief and any other recovery of damages.

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not legislation or evidence of legislative intent.*

