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# 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 and  
17 contract testing facilities in Hawaii from using animal test  
18 methods for the purpose of testing cosmetics or household  
19 products if an alternative test method is available.



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

4 "§142- Animal testing; alternative methods. (a) No  
5 manufacturer or contract testing facility in the State shall use  
6 an animal test method for the purpose of testing cosmetics or  
7 household products if an alternative method is available that  
8 provides information of equivalent or better scientific quality.

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

12 (c) Nothing in this section shall prohibit the use of  
13 animal test methods to comply with requirements of state  
14 agencies. Nothing in this section shall prohibit the use of  
15 animal test methods to comply with requirements of federal  
16 agencies when the federal agency staff concludes that the  
17 alternative method does not assure the health or safety of  
18 consumers. Nothing in this section shall prohibit the use of  
19 animal test methods necessary to prevent the introduction and  
20 establishment of plants, animals, and diseases that are  
21 detrimental to the State's agricultural industry and the



1 environment, to protect the health and safety of people, or for  
2 purposes of national defense.

3 (d) Nothing in this section shall apply to any animal test  
4 method performed for the purposes of medical research,  
5 neuroscience, and basic science testing, education, and  
6 research.

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

14 (f) For purposes of this section:

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

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

19 (2) Has been validated according to international  
20 validation principles or identified by validation  
21 bodies, and adopted by the relevant federal agency or



1           program within an agency responsible for regulating  
2           the specific product or activity for which the test  
3           method or strategy is being conducted.

4           "Alternative method" includes but is not limited to  
5           computational toxicology and bioinformatics, high throughput  
6           screening methods, chemical substance category testing, tiered  
7           testing methods, in vitro studies, and systems biology,  
8           including new or revised methods.

9           "Animal" means a live vertebrate nonhuman animal.

10           "Animal test method" means a process or procedure using  
11           animals to obtain information on the characteristics of a  
12           chemical or agent, or the biological effect of exposure to a  
13           chemical or agent, under specified conditions.

14           "Contract testing facility" means any partnership,  
15           corporation, association, or other legal entity that tests  
16           chemicals, ingredients, product formulations, or products in  
17           this State.

18           "Manufacturer" means any partnership, corporation,  
19           association, or other legal entity that produces chemicals,  
20           ingredients, product formulations, or products in this State.



1       "Medical research" means research related to the causes,  
2 diagnosis, treatment, control, or prevention of physical or  
3 mental diseases and impairments of humans and animals, or  
4 related to the development of biomedical products, devices, or  
5 drugs. "Medical research" shall not include the testing of an  
6 ingredient that was formerly used in a drug, was tested for drug  
7 use by humans under animal test methods aimed to characterize  
8 the ingredient and substantiate its safety, and is proposed for  
9 use in a product other than a biomedical product, device, or  
10 drug."

11       SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14       SECTION 4. New statutory material is underscored.

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

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**Report Title:**

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

**Description:**

Prohibits manufacturers and contract testing facilities in  
Hawaii from using animal test methods for the purpose of testing  
cosmetics or household products 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. (SD1)

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not legislation or evidence of legislative intent.*

