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# A BILL FOR AN ACT

RELATING TO COSMETICS.

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

1           SECTION 1. The legislature finds that for more than fifty  
2 years, cosmetic manufacturers have used animals in painful tests  
3 to assess the safety of chemicals used in cosmetic products.  
4 Today, modern approaches that are cheaper, faster, and more  
5 reliable at predicting adverse human reactions are widely  
6 available and are becoming more accessible each year. In  
7 addition, companies now have thousands of existing cosmetic  
8 ingredients with histories of safe use that have long been sold  
9 and utilized.

10           California was the first state to prohibit the sale of  
11 cosmetics tested on animals, which was supported by dozens of  
12 cosmetic companies and industry associations, including the  
13 Personal Care Products Council, California Retailers  
14 Association, and California Manufacturers and Technology  
15 Association. The California ban took effect on January 1, 2020,  
16 and was joined by Nevada and Illinois. In 2013, the United  
17 States' largest trading partner, the European Union, ended the



1 importation and sale of cosmetics that have been tested on  
2 animals. Today, more than thirty countries have banned cosmetic  
3 animal testing and several others have legislation pending.

4 The purpose of this Act is to prohibit manufacturers from  
5 selling cosmetic products in the State that are tested on  
6 animals in a cruel manner beginning on January 1, 2024. It is  
7 not the intent of this Act to penalize retailers or consumers  
8 who rely on manufacturers to meet state laws or rules, nor is it  
9 the intent to prohibit the continued import or export of  
10 cosmetic products in the State from or to other countries if the  
11 safety of the product sold in the State does not rely on data  
12 from animal testing that was performed after 2023.

13 SECTION 2. Chapter 328, Hawaii Revised Statutes, is  
14 amended by adding a new section to part I to be appropriately  
15 designated and to read as follows:

16 "§328- Cosmetics; animal testing; cruelty; prohibition.

17 (a) Notwithstanding any other law to the contrary, and except  
18 as otherwise provided in this section, it shall be unlawful for  
19 a manufacturer to import for profit, sell, or offer for sale in  
20 the State any cosmetic for which the manufacturer knew or  
21 reasonably should have known that an animal test was conducted



1 or contracted, by or on behalf of the manufacturer or any  
2 supplier of the manufacturer, on or after January 1, 2024, in a  
3 cruel manner, as identified in section 711-1109.

4 (b) Subsection (a) shall not apply to:

5 (1) An animal test of a cosmetic that is required by a  
6 federal or state regulatory authority if all of the  
7 following apply:

8 (A) The cosmetic or an ingredient in the cosmetic  
9 that is being tested is in wide use and cannot be  
10 replaced by another cosmetic or ingredient  
11 capable of performing a similar function;

12 (B) A specific human health problem relating to the  
13 cosmetic or ingredient is substantiated and the  
14 need to conduct animal tests is justified and is  
15 supported by a detailed research protocol  
16 proposed as the basis for the evaluation of the  
17 cosmetic or ingredient; and

18 (C) There is no nonanimal testing method accepted for  
19 the relevant purpose by the applicable federal or  
20 state regulatory authority;



- 1        (2) An animal test that was conducted to comply with a  
2        requirement of a foreign regulatory authority, if no  
3        evidence derived from that test was relied upon to  
4        substantiate the safety of a cosmetic sold within the  
5        State by the manufacturer;
- 6        (3) An animal test that was conducted on any product or  
7        ingredient subject to the requirements of subchapter V  
8        of the Federal Food, Drug, and Cosmetic Act (21 United  
9        States Code 351 et seq.), as amended; or
- 10       (4) Except as otherwise provided in this subsection, an  
11       animal test that was conducted for purposes unrelated  
12       to cosmetics pursuant to a requirement of a federal,  
13       state, or foreign regulatory agency; provided that no  
14       evidence derived from the testing was relied upon to  
15       substantiate the safety of a cosmetic sold within this  
16       State by the manufacturer; provided further that if  
17       evidence from the testing was relied upon for that  
18       purpose, paragraph (1) shall not apply if:
- 19       (A) Documentary evidence exists that the intent of  
20       the test was unrelated to cosmetics; and



1           (B) The ingredient that was the subject of the  
2           testing has been used for purposes unrelated to  
3           cosmetics for no less than twelve months before  
4           the reliance.

5           (c) A violation of this section shall be punishable by a  
6           fine of \$5,000 and an additional \$1,000 for each day the  
7           violation continues.

8           (d) A violation of this section may be enforced by the  
9           prosecuting attorney of the county in which the violation  
10          occurred. The fine shall be paid to the county in which the  
11          violation occurred.

12          (e) A prosecuting attorney may, upon a determination that  
13          there is a reasonable likelihood that a violation has occurred  
14          under this section, review the testing data upon which a  
15          cosmetic manufacturer has relied in the development or  
16          manufacturing of the relevant cosmetic product sold in the  
17          State.

18          (f) Any information disclosed under this section shall be  
19          protected as a trade secret and a prosecuting attorney shall  
20          enter into a protective order with the manufacturer before  
21          receipt of the information from a manufacturer. A prosecuting



1 attorney shall take other appropriate measures necessary to  
2 preserve the confidentiality of the information produced  
3 pursuant to this subsection.

4 (g) This section shall not apply to:

5 (1) A cosmetic if the cosmetic in its final form was  
6 tested on animals before January 1, 2024, even if the  
7 cosmetic is manufactured on or after that date;

8 (2) An ingredient in a cosmetic if the ingredient was sold  
9 in this State and tested on animals before January 1,  
10 2024, even if the ingredient is manufactured on or  
11 after that date; or

12 (3) A manufacturer reviewing, assessing, or retaining  
13 evidence from animal testing.

14 (h) Counties or other political subdivisions of the State  
15 shall not establish any prohibition on or relating to animal  
16 tests that are not identical to the prohibitions set forth in  
17 this section and that do not include the exemptions contained in  
18 this section.

19 (i) For the purposes of this section:

20 "Animal test" or "animal testing" means the internal or  
21 external application of a cosmetic, either in its final form or



1 any ingredient thereof, to the skin, eyes, or other body part of  
2 a live, nonhuman vertebrate.

3 "Cosmetic" means any article intended to be rubbed, poured,  
4 sprinkled, or sprayed on; introduced into; or otherwise applied  
5 to the human body or any part thereof for cleansing,  
6 beautifying, promoting attractiveness, or altering the  
7 appearance, including personal hygiene products such as  
8 deodorant, shampoo, or conditioner.

9 "Ingredient" means any component of a cosmetic product  
10 defined by title 21 Code of Federal Regulations section 700.3,  
11 as amended.

12 "Manufacturer" means any person whose name appears on the  
13 label of a cosmetic product pursuant to the requirements of  
14 title 21 Code of Federal Regulations section 701.12, as amended.

15 "Supplier" means any entity that supplies, directly or  
16 through a third party, any ingredient used in the formulation of  
17 a manufacturer's cosmetic."

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on July 1, 3021.





**Report Title:**

Cosmetics; Cruelty-free; Animal Testing; Prohibition; Fines

**Description:**

Bans the import for profit, sale, and offer for sale of any cosmetic in the State if the final product or any component of the final product was developed or manufactured using animal testing performed in a cruel manner on or after 1/1/2024. Effective 7/1/3021. (HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

