
SUBSTITUTE HOUSE BILL 1097

State of Washington

68th Legislature

2023 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Walen, Goodman, Leavitt, Ramel, Peterson, Fitzgibbon, Macri, Simmons, Reeves, Thai, Gregerson, Stonier, Pollet, Kloba, Santos, and Ormsby)

READ FIRST TIME 02/02/23.

1 AN ACT Relating to the sale of cosmetics tested on animals;
2 adding a new chapter to Title 69 RCW; providing an effective date;
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1)(a) "Cosmetic" means articles intended:

9 (i) To be rubbed, poured, sprinkled, or sprayed on, introduced
10 into, or otherwise applied to the human body or any part thereof for
11 cleansing, beautifying, promoting attractiveness, or altering the
12 appearance; or

13 (ii) For use as a component of any articles under (a)(i) of this
14 subsection.

15 (b) "Cosmetic" does not include soap.

16 (2) "Cosmetic animal testing" means the internal or external
17 application or exposure of any cosmetic product, or any cosmetic
18 ingredient or nonfunctional constituent, to the skin, eyes, or any
19 other body part of a live, nonhuman vertebrate.

1 (3) "Cosmetic ingredient" means any single chemical entity or
2 mixture used as a component in the manufacture of a cosmetic product,
3 as defined in 21 C.F.R. Sec. 700.3(e) on January 1, 2024.

4 (4) "Cosmetic product" means a finished cosmetic, the manufacture
5 of which has been completed.

6 (5) "Manufacture" has the same meaning as "to manufacture" in RCW
7 82.04.120.

8 (6) "Manufacturer" means any entity required to specify
9 conspicuously its name and place of business on the label of a
10 cosmetic in package form under 21 C.F.R. Sec. 701.12 on January 1,
11 2024.

12 (7) "Nonfunctional constituent" means any incidental ingredient
13 as defined in 21 C.F.R. Sec. 701.3(1) on January 1, 2024.

14 (8) "Supplier" means any entity that provides, whether directly
15 or through a third party, any cosmetic ingredient used by a
16 manufacturer in the formulation of a cosmetic product.

17 NEW SECTION. **Sec. 2.** Beginning January 1, 2024, it is unlawful
18 for a manufacturer to sell or offer for sale in this state a cosmetic
19 if the cosmetic was developed or manufactured using cosmetic animal
20 testing that was conducted or contracted for by the manufacturer or
21 any supplier of the manufacturer.

22 NEW SECTION. **Sec. 3.** Section 2 of this act does not apply with
23 respect to cosmetic animal testing:

24 (1) Conducted outside of the United States in order to comply
25 with a requirement of a foreign regulatory authority if no evidence
26 derived from the testing was relied upon to substantiate the safety
27 of the cosmetic ingredient or cosmetic product being sold by the
28 manufacturer in Washington;

29 (2) Conducted for any cosmetic or cosmetic ingredient subject to
30 regulation under 21 U.S.C. Sec. 351 et seq., of the federal food,
31 drug, and cosmetic act;

32 (3) Conducted for a cosmetic ingredient intended to be used in a
33 product that is not a cosmetic product and is conducted under a
34 requirement of a federal, state, or foreign regulatory authority if
35 no evidence derived from the testing was relied upon to substantiate
36 the safety of a cosmetic sold in Washington by a cosmetics
37 manufacturer, unless all of the following apply:

1 (a) There is documented evidence of the noncosmetic intent of the
2 test; and

3 (b) There is a history of use of the ingredient outside of
4 cosmetics at least 12 months before the reliance; or

5 (4) Requested, required, or conducted by a federal or state
6 regulatory authority and each of the following apply:

7 (a) There is no nonanimal alternative method or strategy
8 recognized by any federal or state agency or the organization for
9 economic cooperation and development for the relevant safety
10 endpoints for the cosmetic ingredient or nonfunctional constituent;

11 (b) The cosmetic ingredient or nonfunctional constituent poses a
12 risk of causing a specific human health problem that is substantiated
13 and the need to conduct cosmetic animal testing is justified and
14 supported by a detailed research protocol proposed as the basis for
15 the evaluation of the cosmetics ingredient or nonfunctional
16 constituent; and

17 (c) That the cosmetic ingredient or nonfunctional constituent is
18 in wide use and, in the case of a cosmetic ingredient, cannot be
19 replaced by another cosmetic ingredient capable of performing a
20 similar function.

21 NEW SECTION. **Sec. 4.** Section 2 of this act does not apply to:

22 (1) A cosmetic if the cosmetic in its final form was tested on
23 animals before January 1, 2024, even if the cosmetic is manufactured
24 on or after January 1, 2024, if no new animal testing in violation of
25 this chapter occurs after January 1, 2024, by or on behalf of the
26 manufacturer;

27 (2) An ingredient in a cosmetic if the ingredient was tested on
28 animals before January 1, 2024, even if the ingredient is
29 manufactured on or after January 1, 2024, if no new animal testing in
30 violation of this chapter occurs after January 1, 2024, by or on
31 behalf of the manufacturer; or

32 (3) A cosmetic manufacturer reviewing, assessing, or retaining
33 evidence from a cosmetic animal test.

34 NEW SECTION. **Sec. 5.** No county or political subdivision of the
35 state may establish or continue any prohibition on or relating to
36 cosmetic animal testing that is not identical to the prohibitions set
37 forth in this chapter.

1 NEW SECTION. **Sec. 6.** A manufacturer that sells or offers for
2 sale a cosmetic in violation of this chapter commits a civil
3 violation punishable by a fine of not more than \$5,000 for each
4 violation.

5 NEW SECTION. **Sec. 7.** This chapter may be known and cited as the
6 cruelty free cosmetics act.

7 NEW SECTION. **Sec. 8.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2024.

12 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act
13 constitute a new chapter in Title 69 RCW.

--- END ---