
HOUSE BILL 1097

State of Washington

68th Legislature

2023 Regular Session

By Representatives Walen, Goodman, Leavitt, Ramel, Peterson, Fitzgibbon, Macri, Simmons, Reeves, Thai, Gregerson, Stonier, Pollet, Kloba, Santos, and Ormsby

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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 no nonanimal alternative method or strategy
2 recognized by any federal or state agency or the organization for
3 economic cooperation and development for the relevant safety
4 endpoints for the cosmetic ingredient or nonfunctional constituent;

5 (b) There is documented evidence of the noncosmetic intent of the
6 test; and

7 (c) There is a history of use of the ingredient outside of
8 cosmetics at least 12 months before the reliance; or

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

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

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

21 (c) That the cosmetic ingredient or nonfunctional constituent is
22 in wide use and, in the case of a cosmetic ingredient, cannot be
23 replaced by another cosmetic ingredient capable of performing a
24 similar function.

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

26 (1) A cosmetic if the cosmetic in its final form was tested on
27 animals before January 1, 2024, even if the cosmetic is manufactured
28 on or after January 1, 2024, if no new animal testing in violation of
29 this chapter occurs after January 1, 2024;

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

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

36 NEW SECTION. **Sec. 5.** No county or political subdivision of the
37 state may establish or continue any prohibition on or relating to

1 cosmetic animal testing that is not identical to the prohibitions set
2 forth in this chapter.

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

7 NEW SECTION. **Sec. 7.** The legislature finds that the practices
8 covered by this chapter are matters vitally affecting the public
9 interest for the purpose of applying the consumer protection act,
10 chapter 19.86 RCW. A violation of this chapter is not reasonable in
11 relation to the development and preservation of business and is an
12 unfair or deceptive act in trade or commerce and an unfair method of
13 competition for the purpose of applying the consumer protection act,
14 chapter 19.86 RCW.

15 NEW SECTION. **Sec. 8.** This chapter may be known and cited as the
16 cruelty free cosmetics act.

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

21 NEW SECTION. **Sec. 10.** This act takes effect January 1, 2024.

22 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
23 constitute a new chapter in Title 69 RCW.

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