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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 there are no federal  
2 laws in the United States that prohibit the use of animals for  
3 cosmetic or household product testing or require companies to  
4 first look to available test alternatives. On the state level,  
5 three states require alternative test methods, if available, to  
6 be used for cosmetic and household product testing. In 2000,  
7 California became the first state in the nation to mandate the  
8 use of alternative test methods, and New Jersey and New York  
9 followed in 2007 and 2008, respectively.

10           The purpose of this Act is to prohibit manufacturers and  
11 contract testing facilities in Hawaii from using animal test  
12 methods for the purpose of testing cosmetics or household  
13 products if an alternative test method is available.

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



1           "§142-    Animal testing; alternative methods. (a) No  
 2 manufacturer or contract testing facility in the State shall use  
 3 an animal test method for the purpose of testing cosmetics or  
 4 household products if an alternative method is available that  
 5 provides information of equivalent or better scientific quality.

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

9           (c) Nothing in this section shall prohibit the use of  
 10 animal test methods:

11           (1) To comply with requirements of state agencies;  
 12           (2) To comply with requirements of federal agencies when  
 13           the federal agency concludes that the alternative  
 14           method does not assure the health or safety of  
 15           consumers; or

16           (3) That are necessary to prevent the introduction and  
 17           establishment of plants, animals, and diseases that  
 18           are detrimental to the State's agricultural industry  
 19           and the environment, to protect the health and safety  
 20           of people, or for purposes of national defense.



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

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

12        (f) For purposes of this section:

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

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

17        (2) Has been validated according to international  
18 validation principles or identified by validation  
19 bodies, and adopted by the relevant federal agency or  
20 program within an agency responsible for regulating



1           the specific product or activity for which the test  
2           method or strategy is being conducted.

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

8           "Animal" means a live vertebrate nonhuman animal.

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

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

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

20          "Medical research" means research related to the causes,  
21   diagnosis, treatment, control, or prevention of physical or



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

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

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2050.

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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. Effective 7/1/2050. (SD2)

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

