

2020 -- H 7706

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Lima, Solomon, Serpa, O'Brien, and Shekarchi

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-1 and 4-1-3 of the General Laws in Chapter 4-1 entitled "Cruelty
2 to Animals" are hereby amended to read as follows:

3 **4-1-1. Definitions -- Responsibility for agents and employees.**

4 (a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

5 (1) "Animal" and "animals" means every living creature except a human being.

6 (2) "Cosmetic animal testing" means the internal or external application or exposure of any
7 cosmetic product, or any cosmetic ingredient or non-functional constituent, to the skin, eyes, or
8 other body part (organ or extremity) of a live non-human vertebrate for the purpose of evaluating
9 the safety or efficacy of a cosmetic product or a cosmetic ingredient or non-functional constituent
10 for the use in a cosmetic product.

11 (3) "Cosmetic" means any:

12 (i) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
13 otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting
14 attractiveness, or altering the appearance; and

15 (ii) Articles intended for use as a component of any such articles; except that such term
16 shall not include soap, including, but not limited to, lipstick, make-up, deodorant, shampoo, and
17 conditioner.

18 ~~(2)~~(4) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to
19 engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate

1 of an accredited veterinary medical, surgical, and dental school or college of a standard recognized
2 by the Rhode Island Veterinary Medical Association.

3 ~~(3)~~(5) "Owner", "person", and "whoever" means corporations as well as individuals.

4 ~~(4)~~(6) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
5 owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
6 possesses, has title to or an interest in, harbors, or has control, custody, or possession of an animal
7 and who is responsible for an animal's safety and well-being.

8 (7) "Ingredient" means any component of a cosmetic as defined by 21 C.F.R. 700.3.

9 (8) "Manufacturer" means any person whose name appears on the label of a cosmetic
10 product pursuant to the requirements of 21 C.F.R. 701.12.

11 (9) "Supplier" means any entity that supplies, directly or through a third party, any
12 ingredient used in the formulation of a manufacturer's cosmetic.

13 ~~(5)~~(10) Except for livestock as defined in § 4-26-3(6), "adequate living conditions" shall
14 mean a sanitary environment that is dry and free of accumulated feces and free of debris and
15 garbage that may clutter the environment, pose a danger, or entangle the animal. The environment
16 in which the animal is kept must be consistent with federal regulatory requirements, where
17 applicable, or generally recognized professional standards, where applicable, or otherwise be of
18 sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and
19 suitable to maintain the animal in a good state of health. "Adequate living conditions" for livestock
20 as defined in § 4-26-3(6) shall mean best management practices established, no later than July 1,
21 2014, by the Rhode Island livestock welfare and care standards advisory council.

22 ~~(6)~~(11) Except for livestock as defined in § 4-26-3, "hazardous accumulation of animals"
23 means the accumulation of a large number of animals, to a point where the owner, possessor, or
24 person having the charge of custody of the aforementioned animals fails to or is unable to provide
25 "adequate living conditions" as defined herein, resulting in harm or danger to the health and
26 wellbeing of the animals.

27 (b) The knowledge and acts of agents of and persons employed by corporations in regard
28 to animals transported, owned or employed by or in the custody of that corporation are held to be
29 the acts and knowledge of that corporation.

30 **4-1-3. Unnecessary cruelty.**

31 (a) Every owner, possessor, or person having the charge or custody of any animal, who
32 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who
33 carries that animal or who fails to provide that animal with adequate living conditions as defined
34 in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or

1 causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner;
2 or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that
3 animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or
4 causes to have placed, on any animal any substance that may produce irritation or pain or that is
5 declared a hazardous substance by the U.S. Food and Drug Administration or by the state
6 department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the
7 offense described in this section results in the death of the animal, the person shall be punished in
8 the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of
9 any animal is found guilty of or pleads nolo contendere to a violation of this section and said
10 violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty
11 under this section, take into account whether the defendant's conduct could be considered to be the
12 result of a mental health disorder as defined in § 27-38.2-2.

13 (b) The substances proscribed by subsection (a) do not include any drug having curative
14 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

15 (c) University, college, or hospital research facilities licensed and/or inspected by the U.S.
16 Department of Agriculture or the U.S. Public Health Service of the Department of Health and
17 Human Services shall be exempt from the provisions of subsection (a) provided that they are in
18 good standing with the federal agency responsible for licensing or assurance of the facility.

19 (d)(1) No person or manufacturer shall sell or offer for sale in the state any cosmetic that
20 was developed or manufactured using an animal test, if the test was conducted or contracted by the
21 manufacturer or any supplier of the manufacturer on or after January 1, 2021.

22 (2) The prohibitions of subsection (d)(1) of this section do not apply to cosmetics
23 developed or manufactured using an animal test if:

24 (i) The animal test is required by a federal or state regulatory authority and:

25 (A) There is no non-animal alternative method or strategy recognized by any federal
26 agency or the organization for economic cooperation and development for the relevant safety
27 endpoints for the cosmetic ingredient or non-functional constituent;

28 (B) The cosmetic ingredient poses a risk of causing serious adverse health consequences
29 or death; and

30 (C) The cosmetic ingredient is in wide use and cannot be replaced by another ingredient
31 capable of performing a similar function;

32 (ii) The animal test is conducted outside the United States to comply with a requirement of
33 a foreign regulatory authority, if no evidence derived from the test is relied upon to substantiate the
34 safety of the cosmetic pursuant to federal or state regulations;

1 (iii) The animal test is conducted on a product or ingredient subject to the requirements of
2 the federal Food, Drug, and Cosmetic Act, 21 U.S.C. §.351 et seq.; or

3 (iv) The animal test is conducted for non-cosmetic purposes pursuant to a requirement of
4 a federal, state, or foreign regulatory authority. No evidence derived from animal testing conducted
5 after the effective date may be relied upon to establish the safety of a cosmetic pursuant to federal
6 or state regulations, unless:

7 (A) There is no non-animal alternative method or strategy recognized by any federal
8 agency of the organization for economic cooperation and development for the relevant safety
9 endpoints for such ingredient;

10 (B) There is documented evidence of the non-cosmetic intent of the test; and

11 (C) There is a history of use of the ingredient outside of cosmetics at least one year prior
12 to the reliance on such data.

13 (3) Any person or manufacturer that violates subsection (d)(1) of this section shall be
14 subject to a penalty of up to one thousand dollars (\$1,000) for each offense. If the violation is of a
15 continuing nature, each day during which it continues constitutes an additional, separate, and
16 distinct offense.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

- 1 This act would create a ban on a person or manufacturer to sell or offer for sale in the state
2 any cosmetic that was developed or manufactured using animal testing, if the test was conducted
3 or contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2021.
4 A violation of this act would result in a one thousand dollar (\$1,000) fine for each offense.
5 This act would take effect upon passage.

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