

2022 -- S 2798

LC005549

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Archambault, Kallman, Burke, and Ruggerio

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 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" means any:

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

10 (ii) Articles intended for use as a component of any such articles; except that such term
11 shall not include soap.

12 (3) "Cosmetic animal testing" means the internal or external application or exposure of any
13 cosmetic product, or any cosmetic ingredient or non-functional constituent, to the skin, eyes, or
14 other body part (organ or extremity) of a live non-human vertebrate for the purpose of evaluating
15 the safety or efficacy of a cosmetic product or a cosmetic ingredient or non-functional constituent
16 for the use in a cosmetic product.

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

19 ~~(2)~~(5) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to

1 engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate
2 of an accredited veterinary medical, surgical, and dental school or college of a standard recognized
3 by the Rhode Island Veterinary Medical Association.

4 ~~(3)~~(6) "Owner," "person," and "whoever" means corporations as well as individuals.

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

9 (8) "Cosmetic ingredient" means any single chemical entity or mixture used as a
10 component of a cosmetic product as defined by 21 C.F.R. 700.3(e).

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

13 (10) "Non-functional constituent" means any incidental ingredient as defined by 21 C.F.R.
14 701.3(l).

15 (11) "Supplier" means any entity that supplies, directly or through a third party, any
16 ingredient used in the formulation of a cosmetic product.

17 ~~(5)~~(12) Except for livestock as defined in § 4-26-3(6), "adequate living conditions" shall
18 mean a sanitary environment that is dry and free of accumulated feces and free of debris and
19 garbage that may clutter the environment, pose a danger, or entangle the animal. The environment
20 in which the animal is kept must be consistent with federal regulatory requirements, where
21 applicable, or generally recognized professional standards, where applicable, or otherwise be of
22 sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and
23 suitable to maintain the animal in a good state of health. "Adequate living conditions" for livestock
24 as defined in § 4-26-3(6) shall mean best management practices established, no later than July 1,
25 2014, by the Rhode Island livestock welfare and care standards advisory council.

26 ~~(6)~~(13) Except for livestock as defined in § 4-26-3, "hazardous accumulation of animals"
27 means the accumulation of a large number of animals, to a point where the owner, possessor, or
28 person having the charge of custody of the aforementioned animals fails to or is unable to provide
29 "adequate living conditions" as defined herein, resulting in harm or danger to the health and
30 wellbeing of the animals.

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

34 **4-1-3. Unnecessary cruelty.**

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

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

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

23 (d)(1) No manufacturer shall sell or offer for sale in the state any cosmetic that was
24 developed or manufactured using cosmetic animal testing, if the testing was conducted or
25 contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2023.

26 (2) The prohibitions of subsection (d)(1) of this section do not apply to cosmetics
27 developed or manufactured using cosmetic animal testing if:

28 (i) Such testing is requested, conducted, or required by a federal or state regulatory
29 authority and:

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

33 (B) The cosmetic ingredient or non-functional constituent poses a risk of causing a specific
34 human health problem that is substantiated and the need to conduct cosmetic animal testing is

1 justified and supported by a detailed research protocol proposed as the basis for the evaluation of
2 the cosmetic ingredient, or non-functional constituent; and

3 (C) The cosmetic ingredient or non-functional constituent is in wide use and, in the case of
4 a cosmetic ingredient, cannot be replaced by another ingredient capable of performing a similar
5 function;

6 (ii) Such testing is conducted outside the United States to comply with a requirement of a
7 foreign regulatory authority; provided that, no evidence derived from such testing is relied upon to
8 substantiate the safety of the cosmetic in Rhode Island;

9 (iii) Such testing is conducted on a product or ingredient subject to the requirements of
10 subchapter V of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 et seq.; or

11 (iv) Such testing is conducted for a cosmetic ingredient intended to be used in a product
12 that is not a cosmetic product and conducted pursuant to a requirement of a federal, state, or foreign
13 regulatory authority as long as no evidence derived from animal testing conducted after the
14 effective date of this subsection is relied upon to substantiate the safety of a cosmetic sold in the
15 state by a manufacturer, unless all of the following apply:

16 (A) There is no non-animal alternative method or strategy recognized by any federal or
17 state agency or the Organization for Economic Cooperation and Development for the relevant
18 safety endpoints for such ingredient;

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

20 (C) There is a history of use of the ingredient outside of cosmetics at least one year prior
21 to the manufacturer's reliance on such data.

22 (3) The provisions of subsection (d) of this section shall not apply to:

23 (i) A cosmetic product if the cosmetic in its final form was tested on animals before January
24 1, 2023 even if the cosmetic is manufactured on or after that date; provided that, no new animal
25 testing in violation subsection (d) of this section occurs after January 1, 2023;

26 (ii) An ingredient in a cosmetic if the cosmetic ingredient was tested on animals before
27 January 1, 2023 even if the ingredient is manufactured on or after that date; provided that, no new
28 animal testing in violation of subsection (d) of this section occurs after January 1, 2023; or

29 (iii) A manufacturer reviewing, assessing, or retaining evidence from a cosmetic animal
30 test.

31 (4) No political subdivision of the state may establish or continue any prohibition on or
32 relating to cosmetic animal testing, as defined in this section, that is not identical to the prohibitions
33 set forth in this section.

34 (5) Any person or manufacturer that violates subsection (d)(1) of this section shall be

1 [subject to a penalty of up to one thousand dollars \(\\$1,000\) for each offense. If the violation is of a](#)
2 [continuing nature, each day during which it continues constitutes an additional, separate, and](#)
3 [distinct offense.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

- 1 This act would ban a person or manufacturer from selling or offering for sale in this 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, 2023.
- 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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