

SENATE No. 263

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect consumers from contributing to inhumane animal testing for cosmetics.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------|------------------------------------|------------------|
| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> | |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/3/2025</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/7/2025</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/10/2025</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/14/2025</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>2/24/2025</i> |
| <i>Manny Cruz</i> | <i>7th Essex</i> | <i>2/26/2025</i> |

SENATE No. 263

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 263) of Mark C. Montigny, Michael O. Moore, James K. Hawkins, James B. Eldridge and other members of the General Court for legislation to protect consumers from contributing to inhumane animal testing for cosmetics. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to protect consumers from contributing to inhumane animal testing for cosmetics.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby further amended by inserting after Section 174H the following new section:

3 174I. Selling of animal tested cosmetics.

4 1. For the purposes of this section the following terms shall have the following meanings:

5 (a) "Cosmetic", shall mean articles intended to be rubbed, brushed, poured, sprinkled, or
6 sprayed on, introduced into, or otherwise applied to the human body or any part thereof for
7 cleaning or for enhancing, concealing or changing the appearance, including but not limited to
8 personal products such as deodorant, shampoo and conditioner.

9 (b) "Animal testing", shall mean the internal or external application of a cosmetic, either
10 in its final form or any ingredient thereof, to the skin, eyes, or other body part of a live non-
11 human vertebrate.

12 (c) "Ingredient", shall have the same meaning as defined in 21 CFR 700.3(e).

13 (d) "Manufacturer", shall mean any person whose name appears on the label of a
14 cosmetic pursuant to the requirements of 21 CFR 701.12.

15 (e) "Supplier", shall mean any entity that supplies, directly or through a third party, any
16 ingredient used by a manufacturer in the formulation of a cosmetic.

17 2. Except as otherwise provided in this section, it shall be unlawful for a manufacturer to
18 import for profit, sell or offer for sale in the commnwealth, any cosmetic which the manufacturer
19 knew or reasonably should have known that animal testing was conducted or contracted by or on
20 behalf of the manufacturer or any supplier of the manufacturer if the animal testing was
21 conducted after the effective date of this section. No provision of this subsection shall be
22 construed to apply to a test method conducted for the purposes of medical research.

23 3. This section does not apply to animal testing that is conducted:

24 (a) As a requirement of any federal or state regulatory agency if:

25 (i) the cosmetic or an ingredient in the cosmetic which is being tested is in wide use and
26 cannot be replaced by another ingredient which is capable of performing a similar function; and

27 (ii) a specific human health problem relating to the cosmetic or ingredient is substantiated
28 and the need to conduct animal testing is justified and supported by a detailed protocol for
29 research that is proposed as the basis for the evaluation of the cosmetic or ingredient; and

30 (iii) there does not exist a method of testing other than animal testing that is accepted for
31 the relevant purpose by a federal or state regulatory agency.

32 (b) As a requirement of any regulatory agency of a foreign jurisdiction, if no evidence
33 derived from such testing was relied upon to substantiate the safety of a cosmetic sold within the
34 commonwealth by the manufacturer.

35 (c) For any product or ingredient in a cosmetic which is subject to the requirements under
36 21 USC subchapter V.

37 (d) For purposes not related to cosmetics as required by any federal, state or foreign
38 regulatory agency, provided that no evidence derived from such testing was relied upon to
39 substantiate the safety of a cosmetic sold within the state by the manufacturer, unless:

40 (i) documentary evidence exists that the intent of the animal testing was unrelated to
41 cosmetics; and

42 (ii) there is a history of the use of the ingredient unrelated to cosmetics for a minimum of
43 twelve months.

44 4. This section does not apply to a cosmetic:

45 (a) If, in its final form, such cosmetic was tested on animals before the effective date of
46 this section, even if the cosmetic is manufactured on or after such date.

47 (b) If an ingredient contained in such cosmetic was tested on animals and sold in the
48 commonwealth before the effective date of this section, even if such ingredient is manufactured
49 on or after such date.

50 5. This section may not be construed to prevent a manufacturer from reviewing, assessing
51 or retaining data resulting from exempted animal testing or from past animal testing results.

52 6. The attorney general may, upon a determination that there is a reasonable likelihood of
53 a violation of this section, review any testing data on which a manufacturer has relied in
54 determining the safety of a cosmetic or an ingredient in a cosmetic sold in Massachusetts. Any
55 information related to a trade secret, as defined in section 42 of chapter 93 or 18 U.S.C. §
56 1839(3) and per Fair Packaging and Labeling Program, 15 U.S.C. § 1454(c)(3), disclosed under
57 this section shall be protected and the attorney general shall enter into a protective order with the
58 manufacturer before receipt of such information.

59 The attorney general shall take other appropriate measures as necessary to preserve the
60 confidentiality of the information produced pursuant to this section. The attorney general may
61 bring an action or special proceeding in the supreme court for a judgment enjoining the
62 continuance of such violation and for a civil penalty of not more than five thousand dollars for
63 the first violation and not more than one thousand dollars per day if the violation continues.

64 SECTION 2. This shall take effect 6 months after the passage of this act.