AN ACT

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:

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

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

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

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

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

(3) "Cosmetic" means any:

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

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

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

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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(4) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate
of an accredited veterinary medical, surgical, and dental school or college of a standard recognized
by the Rhode Island Veterinary Medical Association.

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

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

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

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

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

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

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

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

4-1-3. Unnecessary cruelty.

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

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

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

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

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

(i) The animal test is required by a federal or state regulatory authority and:
(A) There is no non-animal alternative method or strategy recognized by any federal
agency or the organization for economic cooperation and development for the relevant safety
endpoints for the cosmetic ingredient or non-functional constituent;
(B) The cosmetic ingredient poses a risk of causing serious adverse health consequences
or death; and
(C) The cosmetic ingredient is in wide use and cannot be replaced by another ingredient
capable of performing a similar function;
(ii) The animal test is conducted outside the United States to comply with a requirement of
a foreign regulatory authority, if no evidence derived from the test is relied upon to substantiate the
safety of the cosmetic pursuant to federal or state regulations:
(iii) The animal test is conducted on a product or ingredient subject to the requirements of
the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 et seq.; or
(iv) The animal test is conducted for non-cosmetic purposes pursuant to a requirement of
a federal, state, or foreign regulatory authority. No evidence derived from animal testing conducted
after the effective date may be relied upon to establish the safety of a cosmetic pursuant to federal
or state regulations, unless:
   (A) There is no non-animal alternative method or strategy recognized by any federal
agency of the organization for economic cooperation and development for the relevant safety
endpoints for such ingredient;
   (B) There is documented evidence of the non-cosmetic intent of the test; and
   (C) There is a history of use of the ingredient outside of cosmetics at least one year prior
to the reliance on such data.
(3) Any person or manufacturer that violates subsection (d)(1) of this section shall be
subject to a penalty of up to one thousand dollars ($1,000) for each offense. If the violation is of a
continuing nature, each day during which it continues constitutes an additional, separate, and
distinct offense.
SECTION 3. This act shall take effect upon passage.
This act would create a ban on a person or manufacturer to sell or offer for sale in the state any cosmetic that was developed or manufactured using animal testing, if the test was conducted or contracted by the manufacturer or any supplier of the manufacturer on or after January 1, 2021. A violation of this act would result in a one thousand dollar ($1,000) fine for each offense. This act would take effect upon passage.