S T A T E O F N E W Y O R K

4780

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting animal irritancy tests for cosmetics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 505-b to read as follows:

S 505-B. ANIMAL IRRITANCY TESTS FOR COSMETICS PROHIBITED. 1. EXCEPT AS SPECIFICALLY REQUIRED BY FEDERAL LAW OR REGULATION:

(A) NO COSMETIC MANUFACTURER SHALL CONDUCT OR HAVE ANY OTHER PERSON CONDUCT ON ITS BEHALF, ANY TEST WHICH INVOLVES THE PLACING OF A COSMETIC IN AN ANIMAL'S EYE OR ON AN ANIMAL'S SKIN TO MEASURE ITS IRRITATING EFFECTS.

(B) ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN NO PERSON SHALL CONDUCT OR HAVE ANY OTHER PERSON CONDUCT ON ITS BEHALF ANY TEST WHICH INVOLVES THE PLACING OF A COSMETIC INGREDIENT IN AN ANIMAL'S EYE OR ON AN ANIMAL'S SKIN TO MEASURE ITS IRRITATING EFFECTS IF SUCH INGREDIENT WAS PRODUCED SOLELY FOR USE IN A COSMETIC.

(C) NO COSMETIC MANUFACTURER SHALL SELL, OFFER FOR SALE OR CAUSE ANY OTHER PERSON TO SELL OR OFFER FOR SALE ON ITS BEHALF A COSMETIC WHICH WAS PLACED IN AN ANIMAL'S EYE OR ON AN ANIMAL'S SKIN TO MEASURE ITS IRRITATING EFFECTS IF SUCH PROCEDURE OCCURRED ANY TIME SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SECTION.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ANIMAL" MEANS A VERTEBRATE NONHUMAN ANIMAL.

(B) "COSMETIC" MEANS 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 ATTRAC-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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TIVENESS, OR ALTERING THE APPEARANCE, EXCEPT THAT SUCH TERM SHALL NOT INCLUDE INGREDIENTS OF SUCH ARTICLES AND SHALL NOT INCLUDE SOAP.

(C) "COSMETIC MANUFACTURER" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY THAT PRODUCES A COSMETIC FOR SALE TO THE PUBLIC.

(D) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.