

HB 3213 A STAFF MEASURE SUMMARY**Carrier:** Sen. Thatcher**Senate Committee On Labor and Business****Action Date:** 05/04/23**Action:** Do pass the A-Eng bill.**Vote:** 3-0-1-1**Yeas:** 3 - Jama, Patterson, Taylor**Exc:** 1 - Hansell**Abs:** 1 - Bonham**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Whitney Perez, LPRO Analyst**Meeting Dates:** 4/27, 5/4**WHAT THE MEASURE DOES:**

Prohibits manufacturer from selling or offering to sell in Oregon a cosmetic that was developed or manufactured using cosmetic animal tests on or after January 1, 2024. Provides exceptions. Permits donation of cosmetics that do not meet requirements of measure. Allows Attorney General to bring civil action to impose civil penalty or obtain injunction for violation of measure. Defines key terms.

ISSUES DISCUSSED:

- Examples of cosmetic animal testing on animals
- Alternatives to animal testing
- Exceptions in measure permit animal testing when necessary

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The United States Food and Drug Administration (FDA) is responsible for assuring cosmetics are safe and properly labeled through enforcement of the Federal Food, Drug, and Cosmetic Act (FD&C Act). Whether a product is legally a cosmetic or a drug is determined by a product's intended use. The FD&C Act defines cosmetics as "articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body... for cleansing, beautifying, promoting attractiveness, or altering the appearance." Among the products included in this definition are skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations, cleansing shampoos, permanent waves, hair colors, and deodorants, as well as any substance intended for use as a component of a cosmetic product. Soap is excluded from this definition.

The FD&C Act allows but does not require the use of animal testing in cosmetics for safety. The FDA advises manufacturers to use whatever testing is appropriate and effective for confirming the safety of their products. There are policies that govern animal testing, including the Animal Welfare Act and the Public Health Service Policy of Humane Care and Use of Laboratory animals. The FDA also encourages manufacturers to consider validated alternative methods to whole-animal testing.

House Bill 3213 A prohibits the sale of a cosmetic that was developed or manufactured using cosmetic animal tests on or after January 1, 2024, and provides exceptions. The measure also permits the Attorney General to bring a civil action to impose penalties or obtain an injunction for violation.