

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 8, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon Tso* Council File No: 18-0002-S21
Chief Legislative Analyst 18-0002-S22

Assignment No: 18-02-0155

SUBJECT: Cosmetic animal testing.

CLA RECOMMENDATION: Adopt Resolutions (Blumenfield – Harris Dawson – Koretz – O’Farrell – Rodriguez) to include in the City’s 2017-2018 State and Federal Legislative Programs SUPPORT for SB 1249 (Galgiani), which would prohibit the sale of cosmetics tested on animals; and HR 2790 (McSally), which would prohibit testing cosmetics on animals, which is already prohibited in California, and the sale of cosmetics tested on animals.

SUMMARY

The term “cosmetic animal testing” means the internal or external application or exposure of any cosmetic to the skin, eyes, or other body part of a live non-human vertebrate for purposes of evaluating the safety or efficacy of a cosmetic. Cosmetic animal testing is commonly conducted on animals such as mice, rats, rabbits and guinea pigs. Some of these tests include skin and eye irritation tests where chemicals are rubbed onto the shaved skin or dripped into the eyes of rabbits, force-feeding studies to look for signs of general illness or specific health hazards such as cancer or birth defects, and tests where animals are made to ingest increasing amounts of a test substance until the “lethal dose” of the substance is determined.

In 2000, California banned the use of animal testing for cosmetics when an alternative testing method is available. With many other countries banning cosmetic animal testing in the last decade, alternative testing methods have become more widely available.

The Resolutions request an official City position of support for SB 1249 and HR 2790, which would prohibit the sale of cosmetics tested on animals; HR 2790 would additionally prohibit testing cosmetics on animals.

BACKGROUND

The Federal Food, Drug, and Cosmetic Act defines a cosmetic as any article 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.

In 2000, California became the first state in the United States to pass a law banning the use of animal testing when an appropriate alternative testing method is available. In 2013, the European Union banned the sale and import of cosmetics that have been tested on animals. The Resolutions

(Blumenfield – Harris Dawson – Koretz – O’Farrell – Rodriguez) state that dozens of safe, humane, and cost-effective alternatives to animal testing are already commonplace for determining the safety of cosmetics, which are sufficient for Food and Drug Administration (FDA) cosmetic safety regulations.

SB 1249 would make it unlawful for any cosmetic manufacturer to knowingly import for profit, sell at retail, or offer for sale at retail in California, any cosmetic, if the final product or any component thereof was developed or manufactured using animal testing after January 1, 2020.

HR 2790, the Humane Cosmetics Act, would prohibit the use of cosmetic animal testing effective one year after the date of the enactment of the Act, and would prohibit the sale of these products three years after the date of the enactment of the Act.

BILL STATUS

SB 1249:

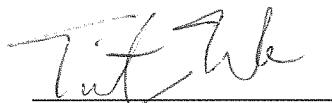
02/15/18 Introduced. Read first time to Committee on Rules for Assignment.

HR 2790:

06/06/17 Introduced in House.

06/06/17 Referred to the House Committee on Energy and Commerce.

06/09/17 Referred to the Subcommittee on Health.



Tristan Noack
Analyst

SMT:tn

Attachment: Resolutions

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in recent years the City of Los Angeles has been one of California's leaders in pursuing progressive animal welfare policies and practices; and

WHEREAS, HR 2790 (McSally), the Humane Cosmetics Act, introduced on June 6, 2017, would prohibit cosmetic animal testing and the sale of cosmetics tested on animals; and

WHEREAS, a cosmetic is defined by the Food, Drug, and Cosmetic Act as any article 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

WHEREAS, testing cosmetics on animals is already prohibited in many nations worldwide, including the European Union, Norway, Switzerland, Israel, and India; and

WHEREAS, dozens of safe, humane, and cost-effective alternatives to animal testing are already commonplace for determining the safety of cosmetics, which are sufficient for Food and Drug Administration (FDA) cosmetic safety regulations; and

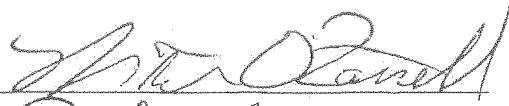
WHEREAS, the Humane Cosmetics Act provides the United States with the opportunity to join other countries to ensure that the safety of cosmetic products is tested using humane practices and methods;

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes into its 2017-2018 Federal Legislative Program SUPPORT for HR 2790 (McSally), the Humane Cosmetics Act, which would prohibit the use of animal testing for cosmetic products.

PRESENTED BY:


BOB BLUMENFELD
Councilmember, 3rd District

SECONDED BY:





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RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in recent years the City of Los Angeles has been one of California's leaders in pursuing progressive animal welfare policies and practices; and

WHEREAS, SB 1249 (Galgiani), the California Cruelty-Free Cosmetics Act, introduced on February 15, 2018, would prohibit the import and sale of cosmetics developed or manufactured by animal testing; and

WHEREAS, a cosmetic is defined by SB 1249 as any article 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, including, but not limited to, personal hygiene products such as deodorant, shampoo, or conditioner; and

WHEREAS, testing cosmetics on animals is already prohibited in many nations worldwide, including the European Union, Norway, Switzerland, Israel, and India; and

WHEREAS, dozens of safe, humane, and cost-effective alternatives to animal testing are already commonplace for determining the safety of cosmetics; and

WHEREAS, the California Cruelty-Free Cosmetics Act would save thousands of animals' lives each year while making cosmetics safer for humans;

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes into its 2017-2018 State Legislative Program SUPPORT for SB 1249 (Galgiani), the California Cruelty-Free Cosmetics Act, which would make it unlawful for any cosmetic manufacturer to knowingly import for profit, sell at retail, or offer for sale at retail in this state, any cosmetic, if the final product or any component thereof was developed or manufactured using animal testing after January 1, 2020.

PRESENTED BY:


BOB BLUMENFIELD
Councilmember, 3rd District

SECONDED BY:





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