

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 17.2 as follows:

6 (410 ILCS 620/17.2 new)

7 Sec. 17.2. Cosmetic testing on animals.

8 (a) In this Section:

9 "Animal test" means the internal or external
10 application of a cosmetic, either in its final form or any
11 ingredient thereof, to the skin, eyes, or other body part
12 of a live, nonhuman vertebrate.

13 "Cosmetic" has the meaning provided in Section 2 of
14 this Act.

15 "Ingredient" means any component of a cosmetic product
16 as defined by Section 700.3 of Title 21 of the Code of
17 Federal Regulations.

18 "Manufacturer" means any person whose name appears on
19 the label of a cosmetic in package form under Section
20 701.12 of Title 21 of the Code of Federal Regulations.

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

1 (b) Notwithstanding any other law, it is unlawful for a
2 manufacturer to import for profit, sell, or offer for sale in
3 this State any cosmetic, if the cosmetic was developed or
4 manufactured using an animal test that was conducted or
5 contracted by the manufacturer, or any supplier of the
6 manufacturer, on or after January 1, 2020.

7 (c) The prohibitions in subsection (b) do not apply to the
8 following:

9 (1) An animal test of any cosmetic that is required by
10 a federal or State regulatory authority, if each of the
11 following apply:

12 (A) an ingredient is in wide use and cannot be
13 replaced by another ingredient capable of performing a
14 similar function;

15 (B) a specific human health problem is
16 substantiated and the need to conduct animal tests is
17 justified and supported by a detailed research
18 protocol proposed as the basis for the evaluation; and

19 (C) there is not a nonanimal alternative method
20 accepted for the relevant endpoint by the relevant
21 federal or State regulatory authority.

22 (2) An animal test that was conducted to comply with a
23 requirement of a foreign regulatory authority, if no
24 evidence derived from the test was relied upon to
25 substantiate the safety of the cosmetic being sold in
26 Illinois by the manufacturer.

1 (3) An animal test that was conducted on any product or
2 ingredient subject to the requirements of Subchapter V of
3 the Federal Food, Drug, and Cosmetic Act.

4 (4) An animal test that was conducted for noncosmetic
5 purposes in response to a requirement of a federal, State,
6 or foreign regulatory authority, if no evidence derived
7 from the test was relied upon to substantiate the safety of
8 the cosmetic sold in Illinois by the manufacturer. A
9 manufacturer is not prohibited from reviewing, assessing,
10 or retaining evidence from an animal test conducted under
11 this paragraph.

12 (d) A violation of this Section shall be punishable by an
13 initial civil penalty of \$5,000 for the first day of each
14 violation and an additional civil penalty of \$1,000 for each
15 day the violation continues.

16 (e) A violation of this Section may be enforced by the
17 State's Attorney of the county in which the violation occurred.
18 The civil penalty shall be paid to the entity that is
19 authorized to bring the action.

20 (f) A State's Attorney may, upon a determination that there
21 is a reasonable likelihood of a violation of this Section,
22 review the testing data upon which a cosmetic manufacturer has
23 relied in the development or manufacturing of the relevant
24 cosmetic product sold in this State. Information provided under
25 this Section shall be protected as a trade secret as defined in
26 Section 2 of the Illinois Trade Secrets Act. In an action under

1 this Section, a court shall preserve the secrecy of an alleged
2 trade secret by reasonable means, which may include granting
3 protective orders in connection with discovery proceedings,
4 holding in-camera hearings, sealing the records of the action,
5 and ordering any person involved in the litigation not to
6 disclose an alleged trade secret without prior court approval.
7 Consistent with the procedures described in this subsection, a
8 State's Attorney shall enter a protective order with a
9 manufacturer before receipt of information from a manufacturer
10 under this Section, and shall take other appropriate measures
11 necessary to preserve the confidentiality of information
12 provided under this Section.

13 (g) This Section does not apply to animal testing conducted
14 on an ingredient or cosmetic in its final form if the testing
15 took place prior to the effective date of this amendatory Act
16 of the 101st General Assembly.

17 (h) Notwithstanding any other provision of this Section,
18 cosmetic inventory in violation of this Section may be sold for
19 a period of 180 days.

20 (i) A home rule unit may not regulate the testing of
21 cosmetics on animals in a manner inconsistent with the
22 regulation by the State of the testing of cosmetics on animals
23 under this Section. This subsection is a limitation under
24 subsection (i) of Section 6 of Article VII of the Illinois
25 Constitution on the concurrent exercise by home rule units of
26 powers and functions exercised by the State.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.