

# SB1882



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1882

Introduced 2/9/2023, by Sen. Linda Holmes

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Protection of Dogs and Cats from Unnecessary Testing Act. Prohibits a testing facility from conducting a canine or feline toxicological experiment in the State, except for certain specified purposes. Provides that the prohibition does not apply to testing or experimentation conducted for the purpose of developing, manufacturing, or marketing any product intended for beneficial use in dogs or cats. Provides that the Attorney General or a State's Attorney in the county in which a violation occurred may bring an action in the name of the People of the State to enforce the provisions of the Act. Contains a severability provision. Effective immediately.

LRB103 27260 RLC 53631 b

A BILL FOR

1 AN ACT concerning animals.

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

4 Section 1. Short title. This Act may be cited as the  
5 Protection of Dogs and Cats from Unnecessary Testing Act.

6 Section 5. Definitions. In this Act:

7 "Alternative test method" means a test method that does  
8 not use animals, or in some cases reduces or refines the use of  
9 animals, for which the reliability and relevance for a  
10 specific purpose has been established by validation bodies,  
11 including, but not limited to, the Inter-Agency Coordinating  
12 Committee for the Validation of Alternative Methods and the  
13 Organisation for Economic Co-operation and Development.  
14 Alternative test methods include, but are not limited to,  
15 high-throughput screening methods, testing of categories of  
16 chemical substances, tiered testing methods, in vitro studies,  
17 and systems biology.

18 "Cat" means a small domesticated carnivorous mammal that  
19 is a member of the family Felidae, order Carnivora.

20 "Canine or feline toxicological experiment" means any test  
21 or study of any duration that seeks to determine the effect, if  
22 any, of the application or exposure, whether internal or  
23 external, of any amount of a chemical substance on a dog or

1 cat. "Application or exposure" includes, but is not limited  
2 to, oral ingestion, skin or eye contact, or inhalation.  
3 "Application or exposure" does not include testing of  
4 veterinary products for canine or feline health.

5 "Chemical substance" means any organic or inorganic  
6 substance, including, but not limited to, a drug, as defined  
7 in Section 321(g) of Title 21 of the United States Code, a  
8 pesticide, as defined in Section 136(u) of Title 7 of the  
9 United States Code, a chemical substance, as defined in  
10 Section 2602(2) of Title 15 of the United States Code, or a  
11 food additive, as defined in Section 321(s) of Title 21 of the  
12 United States Code.

13 "Testing facility" means any partnership, corporation,  
14 association, school, institution, organization, or other legal  
15 relationship, whether privately or government owned, leased,  
16 or operated, that tests chemicals, ingredients, product  
17 formulations, or products in this State.

18 "Dog" means any member of the species *Canis familiaris*.

19 "Medical research" means research related to the causes,  
20 progression, diagnosis, treatment, control, or prevention of  
21 physical or mental diseases and impairments or chronic  
22 conditions of humans or animals or related to the development  
23 of biomedical products or devices, as defined under Section  
24 321(h) of Title 21 of the United States Code. Medical research  
25 does not include research related to the development of drugs  
26 as defined in Section 321(g)(1) of Title 21 of the United

1 States Code.

2 Section 10. Prohibition on the use of dogs or cats in  
3 toxicological experiments; exemptions; enforcement.

4 (a) Notwithstanding any law to the contrary, and in  
5 addition to the prohibitions set forth in law, a testing  
6 facility shall not conduct a canine or feline toxicological  
7 experiment in this State unless the experiment is conducted  
8 for any of the following purposes:

9 (1) Medical research.

10 (2) To comply with federal requirements pertaining to  
11 the approval or maintenance of a medical device, as  
12 defined under Section 321(h) of Title 21 of the United  
13 States Code.

14 (3) To achieve discovery, approval, or maintenance of  
15 a drug, pursuant to a testing requirement imposed by the  
16 United States Food and Drug Administration under Section  
17 505 or 512 of the Federal Food, Drug, and Cosmetic Act or  
18 Section 351 of the Public Health Service Act or any  
19 binding agency regulation promulgated upon notice and  
20 comment thereunder, if the United States Food and Drug  
21 Administration has not otherwise expressly authorized drug  
22 manufacturers to use alternative test methods.

23 (4) To achieve discovery, approval, or maintenance of  
24 a biologic, pursuant to a testing requirement imposed by  
25 the United States Department of Agriculture under the

1 Virus-Serum-Toxin Act or any binding agency regulation  
2 promulgated upon notice and comment thereunder, if the  
3 United States Department of Agriculture has not concluded  
4 that waivers shall be granted for the experimentation or  
5 studies or expressly indicated acceptance of alternative  
6 test methods.

7 (5) To achieve discovery, approval, registration, or  
8 maintenance of a pesticide, pursuant to a testing  
9 requirement imposed by the United States Environmental  
10 Protection Agency pursuant to the Federal Insecticide,  
11 Fungicide, and Rodenticide Act, or any binding agency  
12 regulation promulgated upon notice and comment thereunder,  
13 if the Environmental Protection Agency has not concluded  
14 that waivers shall be granted for such experimentation or  
15 studies or expressly indicated acceptance of alternative  
16 test methods.

17 (6) To comply with a requirement to conduct the  
18 experiment under the Toxic Substances Control Act, if the  
19 United States Environmental Protection Agency has not,  
20 pursuant to Section 2603(h) of Title 15 of the United  
21 States Code, concluded that waivers shall be granted for  
22 such experimentation or studies or expressly indicated  
23 acceptance of testing methods alternative to laboratory  
24 animal testing, including, but not limited to, in vitro,  
25 in silico, and in chemico approaches for identifying skin  
26 sensitization hazards.

1           (b) (1) The Attorney General or a State's Attorney in the  
2 county in which a violation of this Act occurred may bring an  
3 action in the name of the People of the State to enforce the  
4 provisions of this Act.

5           (2) Whenever the Attorney General, or a State's Attorney  
6 in the county in which a violation of this Act occurred, has  
7 reason to believe that a testing facility has in engaged in or  
8 is engaging in any practice in violation of this Act, and that  
9 proceedings would be in the public interest, he or she may  
10 bring an action in the name of the People of the State against  
11 such testing facility to restrain by preliminary or permanent  
12 injunction the use of that practice.

13           (3) If the court determines that the Attorney General or  
14 State's Attorney is the prevailing party in an action filed  
15 pursuant to paragraph (1), the official may recover a civil  
16 penalty not to exceed \$5,000 for each day that each dog or each  
17 cat is used in a canine or feline toxicological experiment in  
18 violation of this Section. In addition to the civil penalty,  
19 the official may also recover court costs and attorney's fees.

20           (c) The prohibition in subsection (a) does not apply to  
21 testing or experimentation conducted for the purpose of  
22 developing, manufacturing, or marketing any product intended  
23 for beneficial use in dogs or cats.

24           Section 97. Severability. The provisions of this Act are  
25 severable under Section 1.31 of the Statute on Statutes.

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