

AN ACT concerning animals.

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

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

Section 5. Definitions. In this Act:

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

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

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

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

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

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

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

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

States Code.

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

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

(1) Medical research.

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

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

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

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

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

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

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

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

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

(c) The prohibition in subsection (a) 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.

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

Public Act 103-0238

SB1882 Enrolled

LRB103 27260 RLC 53631 b

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