

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 changing Section 17.2 as follows:

6 (410 ILCS 620/17.2)

7 Sec. 17.2. Cosmetic testing on animals.

8 (a) In this Section:

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

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

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

18 "Manufacturer" means any person whose name appears on the
19 label of a cosmetic in package form under Section 701.12 of
20 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 formulation
23 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 by the manufacturer to
8 substantiate the safety of the cosmetic sold within this
9 State, unless both of the following apply:

10 (A) there is documented evidence of the
11 noncosmetic intent of the test; and

12 (B) there is a history of use of the ingredient
13 outside of cosmetics at least 12 months prior to the
14 test being conducted. ~~to substantiate the safety of the~~
15 ~~cosmetic sold in Illinois by the manufacturer. A~~
16 ~~manufacturer is not prohibited from reviewing,~~
17 ~~assessing, or retaining evidence from an animal test~~
18 ~~conducted under this paragraph.~~

19 (d) A violation of this Section shall be punishable by an
20 initial civil penalty of \$5,000 for the first day of each
21 violation and an additional civil penalty of \$1,000 for each
22 day the violation continues.

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

1 (f) A State's Attorney may, upon a determination that there
2 is a reasonable likelihood of a violation of this Section,
3 review the testing data upon which a cosmetic manufacturer has
4 relied in the development or manufacturing of the relevant
5 cosmetic product sold in this State. Information provided under
6 this Section shall be protected as a trade secret as defined in
7 Section 2 of the Illinois Trade Secrets Act. In an action under
8 this Section, a court shall preserve the secrecy of an alleged
9 trade secret by reasonable means, which may include granting
10 protective orders in connection with discovery proceedings,
11 holding in-camera hearings, sealing the records of the action,
12 and ordering any person involved in the litigation not to
13 disclose an alleged trade secret without prior court approval.
14 Consistent with the procedures described in this subsection, a
15 State's Attorney shall enter a protective order with a
16 manufacturer before receipt of information from a manufacturer
17 under this Section, and shall take other appropriate measures
18 necessary to preserve the confidentiality of information
19 provided under this Section.

20 (g) This Section does not apply to:

21 (1) animal testing conducted on an ingredient or
22 cosmetic in its final form if the testing took place prior
23 to the effective date of this amendatory Act of the 101st
24 General Assembly; or

25 (2) a manufacturer reviewing, assessing, or retaining
26 information, data, or evidence obtained from animal

1 testing. ~~This Section does not apply to animal testing~~
2 ~~conducted on an ingredient or cosmetic in its final form if~~
3 ~~the testing took place prior to the effective date of this~~
4 ~~amendatory Act of the 101st General Assembly.~~

5 (h) Notwithstanding any other provision of this Section,
6 cosmetic inventory in violation of this Section may be sold on
7 or before June 1, 2020 ~~for a period of 180 days.~~

8 (i) A home rule unit may not regulate the testing of
9 cosmetics on animals in a manner inconsistent with the
10 regulation by the State of the testing of cosmetics on animals
11 under this Section. This subsection is a limitation under
12 subsection (i) of Section 6 of Article VII of the Illinois
13 Constitution on the concurrent exercise by home rule units of
14 powers and functions exercised by the State.

15 (Source: P.A. 101-303, eff. 8-9-19.)

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