

AN ACT concerning health.

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

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

(410 ILCS 620/17.2 new)

Sec. 17.2. Cosmetic testing on animals.

(a) In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Act 101-0303

SB0241 Enrolled

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