

SENATE BILL 540

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9lr0836

By: **Senators Lam, Guzzone, Kramer, Rosapepe, Washington, and Young**
Introduced and read first time: February 4, 2019
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Prohibition on Testing Cosmetics on Animals**

3 FOR the purpose of prohibiting a person from conducting or contracting for cosmetic animal
4 testing in the development of a cosmetic beginning on a certain date; prohibiting a
5 person from selling, offering for sale, or transporting within the State certain
6 cosmetics beginning on a certain date; providing for certain penalties for certain
7 violations of this Act; requiring a certain court to consider certain information in
8 making a certain determination regarding the amount of a civil penalty; providing
9 that certain penalty provisions are not applicable to violations of this Act; defining
10 the term “cosmetic animal testing”; and generally relating to a prohibition on testing
11 cosmetics on animals.

12 BY adding to
13 Article – Health – General
14 Section 21–259.2
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 21–1215
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2018 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Health – General**

25 **21–259.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, "COSMETIC ANIMAL TESTING" MEANS THE INTERNAL
2 OR EXTERNAL APPLICATION OR EXPOSURE OF A COSMETIC TO THE SKIN, EYE, OR
3 ANY OTHER BODY PART OF A LIVE NONHUMAN VERTEBRATE FOR PURPOSES OF
4 EVALUATING THE SAFETY OR EFFICACY OF THE COSMETIC.

5 (B) BEGINNING OCTOBER 1, 2020, A PERSON MAY NOT CONDUCT OR
6 CONTRACT FOR COSMETIC ANIMAL TESTING IN THE DEVELOPMENT OF A COSMETIC.

7 (C) BEGINNING OCTOBER 1, 2021, A PERSON MAY NOT SELL, OFFER FOR
8 SALE, OR TRANSPORT WITHIN THE STATE ANY COSMETIC IF THE FINAL PRODUCT OR
9 ANY INDIVIDUAL COMPONENT OF THE FINAL PRODUCT WAS DEVELOPED OR
10 MANUFACTURED USING COSMETIC ANIMAL TESTING ON OR AFTER OCTOBER 1,
11 2020.

12 (D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION:

13 (I) IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000;
14 AND

15 (II) MAY BE ENJOINED FROM CONTINUING THE VIOLATION.

16 (2) EACH VIOLATION OF THIS SECTION WITH RESPECT TO A
17 SEPARATE ANIMAL AND EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE
18 VIOLATION UNDER THIS SECTION.

19 (3) IN DETERMINING THE AMOUNT OF THE CIVIL PENALTY FOR A
20 VIOLATION OF THIS SECTION, THE COURT SHALL CONSIDER:

21 (I) THE PERSON'S HISTORY OF PREVIOUS VIOLATIONS OF THIS
22 SECTION;

23 (II) THE SERIOUSNESS OF THE VIOLATION; AND

24 (III) WHETHER THE PERSON DEMONSTRATED GOOD FAITH IN
25 ATTEMPTING TO COMPLY WITH THIS SECTION AFTER NOTIFICATION OF THE
26 VIOLATION.

27 21-1215.

28 (a) This section does not apply to a violation of § 21-220(b)(4) OR § 21-259.2 of
29 this title.

30 (b) A person who violates any provision of Subtitle 2 of this title or any regulation

1 adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject
2 to:

3 (1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or
4 both; or

5 (2) If the person has been convicted once of violating Subtitle 2 of this title,
6 a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

7 (c) In addition to any criminal penalties imposed under this section, a person who
8 violates any provision of Subtitle 2 of this title, any rule or regulation adopted under
9 Subtitle 2 of this title, or any term, condition, or limitation of any license or registration
10 issued under Subtitle 2 of this title:

11 (1) Is subject to a civil penalty not exceeding \$5,000, in an action in any
12 District Court; and

13 (2) May be enjoined from continuing the violation.

14 (d) Each day on which a violation occurs is a separate violation under this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.