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HOUSE BILL NO. 502

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556, 59.1-557, and 59.1-558, relating to animal testing of cosmetic products; civil penalties.*

 Patron—Kory

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556, 59.1-557, and 59.1-558, as follows:

*CHAPTER 51.**HUMANE COSMETICS ACT.***§ 59.1-556. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Agriculture and Consumer Services.

"Commissioner" means the Commissioner of Agriculture and Consumer Services or his designated representative.

"Cosmetic" has the meaning given such term in § 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321).

"Cosmetic animal testing" means the internal or external application or exposure of any cosmetic to the skin, eyes, or other body part of a live non-human vertebrate for purposes of evaluating the safety or efficacy of a cosmetic.

§ 59.1-557. Prohibited conduct.

A. No person shall conduct or contract for cosmetic animal testing that occurs in the Commonwealth on or after July 1, 2017.

B. No person shall sell, offer for sale, or transport within the Commonwealth on or after July 1, 2019, any cosmetic if the final product or any component thereof was developed or manufactured using cosmetic animal testing that was conducted or contracted for on or after July 1, 2017.

§ 59.1-558. Civil penalties.

A. Any person violating any provision of this chapter shall be assessed a civil penalty by the Board of up to \$10,000 per violation. Each violation of this chapter with respect to a separate animal, and each day that a violation of this chapter continues, constitutes a separate offense. In determining the amount of any civil penalty, the Board shall give due consideration to (i) the person's history of previous violations; (ii) the seriousness of the violation; and (iii) the demonstrated good faith of the person charged in attempting to achieve compliance with the chapter or regulation adopted thereunder after notification of the violation.

B. Civil penalties assessed under this section shall be paid into the Weights and Measures Fund as established by § 3.2-5628. The Commissioner shall prescribe procedures for payment of uncontested penalties. The procedure shall include provisions for a person to consent to abatement of the alleged violation and pay a penalty or negotiated sum in lieu of such penalty without admission of civil liability arising from such alleged violation.

C. Final orders may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner. Such orders may be appealed in accordance with provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

INTRODUCED

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