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SENATE BILL NO. 1230

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to animal testing facilities; noncompliance with federal laws and regulations; civil penalty.*

Patrons—Stanley, Boysko and Surovell

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2 as follows:

§ 3.2-6593.2. Animal testing facilities; noncompliance with federal laws and regulations; civil penalty.

A. For the purposes of this section:

"Animal testing facility" means any facility, including a private entity, state agency, or institution of higher education, that confines and uses animals for research, education, testing, or other experimental, scientific, or medical purposes.

"Animal Welfare Act" means the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.).

"Critical noncompliance" means an instance of noncompliance that resulted in a serious or adverse effect on the health and well-being of one or more animals, as determined by the U.S. Department of Agriculture Animal and Plant Health Inspection Service.

"IACUC" means the Institutional Animal Care and Use Committee established by and associated with an animal testing facility.

"Noncritical noncompliance" means an instance of noncompliance that does not meet the definition of critical noncompliance.

B. All animal testing facilities in the Commonwealth shall register annually with the Department and pay an annual registration fee determined by the Department.

C. Any animal testing facility that receives a citation for critical noncompliance under the Animal Welfare Act or regulations adopted thereunder (i) is subject to a civil penalty by the Department in an amount not to exceed \$10,000 per violation but not less than \$3,000 per violation, (ii) shall be prohibited from receiving any state funding for the purposes of animal experimentation for two budget cycles, and (iii) if the citation is related to an IACUC-approved protocol, (a) the IACUC shall immediately revoke approval for the protocol, (b) the principal investigator for the protocol shall be prohibited from submitting a similar protocol for a period of three months, and (c) the IACUC shall retroactively withdraw any approval for any activities performed under the associated protocol from occurring within six months of the noncompliance.

D. Any animal testing facility that receives three or more citations within two years for noncritical noncompliance under the Animal Welfare Act or regulations adopted thereunder (i) is subject to a civil penalty by the Department in an amount not to exceed \$10,000 per violation but not less than \$3,000 per violation, (ii) shall be prohibited from receiving any state funding for the purposes of animal experimentation for two budget cycles, and (iii) if the citations are related to an IACUC-approved protocol, (a) the IACUC shall immediately revoke approval for the protocol, (b) the principal investigator for the protocol shall be prohibited from submitting a similar protocol for a period of three months, and (c) the IACUC shall retroactively withdraw any approval for any activities performed under the associated protocol from occurring within six months of the noncompliance.

E. No animal testing facility shall use animals in experiments for one year if it receives within three years (i) 10 or more citations for noncritical noncompliance under the Animal Welfare Act or regulations adopted thereunder, (ii) five or more citations for critical noncompliance under the Animal Welfare Act or regulations adopted thereunder, or (iii) a combination of at least four citations for noncritical noncompliance and three citations for critical noncompliance.

F. If an animal testing facility receives within two years (i) five or more citations for noncritical noncompliance under the Animal Welfare Act or regulations adopted thereunder that are related to a specific protocol or (ii) two or more citations for critical noncompliance under the Animal Welfare Act or regulations adopted thereunder that are related to a specific protocol, the principal investigator of the protocol shall immediately be barred from entering a laboratory and handling animals for a period of two years.

59 G. Each animal testing facility shall provide copies of its U.S. Department of Agriculture Animal and
60 Plant Health Inspection Service inspection reports on or before December 1 for the preceding year to
61 the Department.

62 H. Each animal testing facility's IACUC shall provide copies of any enforcement action it takes
63 under this section to the Department on or before December 1 for the preceding year.

64 I. Any civil penalties collected pursuant to this section shall be used by the Department to support
65 the enforcement of the provisions of this section.

66 J. Nothing in this section shall be interpreted to (i) limit the authority of any entity to punish or
67 prosecute a person for any violation of this chapter or (ii) prevent any person from alerting an animal
68 control officer or law-enforcement officer regarding the condition or treatment of any animal.