

ASSEMBLY, No. 909

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

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District 15 (Mercer)

Co-Sponsored by:

Assemblymen Panter, Diegnan, Assemblywoman Stender, Assemblyman Gordon, Assemblywoman Greenstein and Assemblyman Connors

SYNOPSIS

Prohibits product testing with traditional animal test methods if federally recommended alternative test method exists, with certain exceptions; and provides for injunctive relief for violations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the use of animals in product testing and
2 supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. For the purposes of this act:

8 "Animal" means any vertebrate other than humans;

9 "Committee" means the federal Interagency Coordinating
10 Committee on the Validation of Alternative Methods, established
11 under the federal "ICCVAM Authorization Act of 2000," 42 U.S.C.
12 s.2851-2 et seq.;

13 "Contract testing facility" means any partnership, corporation,
14 association, or other legal relationship that tests chemicals,
15 ingredients, product formulations, or products in the State;

16 "Manufacturer" means any partnership, corporation, association,
17 or other legal relationship that produces products, product
18 formulations, chemicals, or ingredients in the State;

19 "Medical research" means research related to the causes,
20 diagnosis, treatment, control, or prevention of physical or mental
21 diseases and impairments of humans and animals or related to the
22 development of biomedical products, devices, or drugs as defined in
23 21 U.S.C. s.321. "Medical research" shall not include the testing of
24 an ingredient that was formerly used in a drug, tested for the drug
25 use with traditional animal test methods to characterize the
26 ingredient and to substantiate its safety for human use, and
27 currently is proposed for use in a product other than a biomedical
28 product, device, or drug;

29 "Traditional animal test method" means a process or procedure
30 using animals to obtain information on the characteristics of a
31 chemical or agent and that generates information regarding the
32 ability of a chemical or agent to produce a specific biological effect
33 under specified conditions; and

34 "Validated alternative test method" means a test method that
35 does not use animals or in some cases reduces or refines the current
36 use of animals, for which the reliability and relevance for a specific
37 purpose has been established in validation studies as specified in the
38 Interagency Coordinating Committee on the Validation of
39 Alternative Methods report provided to federal agencies as required
40 pursuant to the federal "ICCVAM Authorization Act of 2000," 42
41 U.S.C. s.2851-2 et seq.

42

43 2. a. When conducting any product testing in the State, no
44 manufacturer or contract testing facility shall use a traditional
45 animal test method for which there is an appropriate validated
46 alternative test method that has been adopted by the relevant federal
47 agency or agencies responsible for regulating the specific product
48 or activity for which the test is being conducted, pursuant to the

1 provisions of the federal "ICCVAM Authorization Act of 2000," 42
2 U.S.C. s.2851-2 et seq.. No provision of this subsection shall be
3 construed to apply to any animal test conducted for the purposes of
4 medical research.

5 b. No provision of this section shall prohibit the use of any
6 nonanimal alternative test method for the testing of any product,
7 product formulation, chemical, or ingredient that is not
8 recommended by the committee.

9 c. No provision of this section shall prohibit the use of animal
10 tests to comply with the requirements of State or federal agencies
11 when the federal agency has approved a nonanimal alternative test
12 method pursuant to subsection a. of this section and the federal
13 agency concludes that the nonanimal alternative test does not assure
14 the health or safety of consumers.

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16 3. Notwithstanding any other provision of law, or any rule or
17 regulation adopted pursuant thereto, to the contrary, the exclusive
18 remedy for enforcing this act shall be the Attorney General
19 bringing a civil action in a court of competent jurisdiction to
20 restrain the violation and for other further relief as the court shall
21 determine is proper.

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23 4. This act shall take effect immediately.

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26 STATEMENT

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28 This bill prohibits any manufacturer or contract testing facility
29 from using a traditional animal test method for which there is an
30 appropriate validated alternative test method that has been
31 recommended by the Interagency Coordinating Committee on the
32 Validation of Alternative Methods (ICCVAM), and that has been
33 determined to be scientifically valid and has been adopted by the
34 relevant federal agency or agencies responsible for regulating the
35 specific product or activity for which the test is being conducted,
36 pursuant to the provisions of the federal "ICCVAM (Interagency
37 Coordinating Committee on the Validation of Alternative Methods)
38 Authorization Act of 2000," 42 U.S.C. s.2851-2 et seq.

39 The bill excludes any animal test conducted for the purposes of
40 medical research, permits the use of any nonanimal alternative test
41 method not recommended by the ICCVAM, and permits the use of
42 animal tests to comply with the requirements of State or federal
43 agencies when the federal agency has approved a nonanimal
44 alternative test method but the federal agency concludes that the
45 nonanimal alternative test does not assure the health or safety of
46 consumers. Finally, the bill provides that the only remedy under the
47 act for a violation is the Attorney General bringing a civil action for
48 injunctive relief.

1 The bill defines "traditional animal test method" as a process or
2 procedure using animals to obtain information on the characteristics
3 of a chemical or agent and that generates information regarding the
4 ability of a chemical or agent to produce a specific biological effect
5 under specified conditions, and "validated alternative test method"
6 as a test method that does not use animals or in some cases reduces
7 or refines the current use of animals, for which the reliability and
8 relevance for a specific purpose has been established in validation
9 studies as specified in the ICCVAM report provided to the relevant
10 federal agencies. The ICCVAM is a federal committee composed of
11 representatives of various federal regulatory or research agencies,
12 including the United States Food and Drug Administration, the
13 United States Environmental Protection Agency, and the Consumer
14 Product Safety Commission, that reviews the validity of alternative
15 test methods and is the federal mechanism for recommending
16 appropriate, valid test methods to relevant federal agencies.