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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 495  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Carruthers and Sweeney

Austin C. Strohacker, Attorney

### SUMMARY

- Prohibits cosmetics manufacturers from selling cosmetics products developed using animal testing, subject to certain exemptions.
- Prohibits local governments from enacting other cosmetic animal testing laws.
- Prescribes a penalty for violations of the bill's prohibitions.

### DETAILED ANALYSIS

#### Prohibition

The bill prohibits cosmetics manufacturers from knowingly selling, offering for sale, or delivering cosmetics products developed or manufactured using cosmetic animal testing conducted or contracted for by the manufacturer or any of the manufacturer's suppliers.<sup>1</sup>

As used in the bill, "**cosmetic animal testing**" means the internal or external application or exposure of any cosmetic product or ingredient to the skin, eyes, or any other organ or extremity of a live, nonhuman vertebrate for the purpose of evaluating the safety or efficacy of a cosmetic product or ingredient or a nonfunctional constituent for use in a cosmetic product. Cosmetic ingredients and nonfunctional constituents are defined by federal Food and Drug Administration regulations.<sup>2</sup>

Under the bill, no county, township, or municipal corporation may adopt or enforce prohibitions related to cosmetic animal testing that are not identical to those in the bill.<sup>3</sup>

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<sup>1</sup> R.C. 3715.522(A).

<sup>2</sup> R.C. 3715.01(A)(7), (8), and (11); 21 Code of Federal Regulations 701.3, not in the bill.

<sup>3</sup> R.C. 3715.522(C).

The bill requires the Director of Agriculture or their designee to impose a civil penalty of up to \$5,000 for each violation of the bill, with an additional penalty of \$1,000 for each day the violation continues. The money collected shall be deposited in the Cosmetic Animal Testing Prevention Fund, created by the bill in the state treasury.<sup>4</sup>

## Exemptions

The bill provides several exemptions to the cosmetic animal testing prohibition:

- Animal testing conducted outside of the U.S. in order to comply with foreign regulations, provided no evidence from the testing was relied upon to prove the safety of the product in Ohio;
- Animal testing subject to regulation under the Federal Food, Drug, and Cosmetic Act;
- Animal testing conducted for an ingredient intended to be used in products other than cosmetics, provided that no evidence from the testing was relied upon to prove the safety of the product in Ohio;
  - The evidence from the testing may be relied upon to prove the safety of the product if there is no nonanimal method to conduct the necessary testing, the animal testing was conducted with the intent to use the ingredient in a noncosmetic product, and the ingredient has been in use in a noncosmetic product for 12 months before the cosmetic manufacturer or supplier relied on the results.
- Animal testing requested, required, or conducted by the Department of Agriculture, the State of Ohio Board of Pharmacy, or a federal or state regulatory authority, if there is no nonanimal method to conduct the necessary testing, the animal testing is justified because the ingredient or nonfunctional constituent poses a specific and serious adverse human health risk, and the ingredient is widely used and cannot be replaced by another ingredient;
- A cosmetic or cosmetic ingredient tested on animals before the effective date of the bill, even if the cosmetic or ingredient is manufactured after the effective date of the bill, as long as no new animal testing in violation of the bill is conducted;
- A cosmetic manufacturer or supplier reviewing, assessing, or retaining evidence from animal testing.<sup>5</sup>

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<sup>4</sup> R.C. 3715.99(F).

<sup>5</sup> R.C. 3715.522(B).

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## HISTORY

Action	Date
Introduced	04-16-24

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