SENATE DOCKET, NO. 2001 FILED ON: 1/20/2017

SENATE . . . . . No. 459

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the use of animals in product testing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Mark C. Montigny	*Second Bristol and Plymouth*	
Lori A. Ehrlich	*8th Essex*	*1/27/2017*
Daniel J. Ryan	*2nd Suffolk*	*1/27/2017*
Kay Khan	*11th Middlesex*	*1/28/2017*
Jack Lewis	*7th Middlesex*	*2/1/2017*
Paul R. Heroux	*2nd Bristol*	*2/1/2017*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*2/1/2017*
Danielle W. Gregoire	*4th Middlesex*	*2/2/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/2/2017*
Michael O. Moore	*Second Worcester*	*2/2/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*2/2/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/3/2017*
Denise Provost	*27th Middlesex*	*2/3/2017*
James Arciero	*2nd Middlesex*	*2/3/2017*
Michael J. Barrett	*Third Middlesex*	*3/13/2017*

SENATE DOCKET, NO. 2001 FILED ON: 1/20/2017

SENATE . . . . . No. 459

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 459) of Mark C. Montigny, Lori A. Ehrlich, Daniel J. Ryan, Kay Khan and other members of the General Court for legislation relative to the use of animals in product testing. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act concerning the use of animals in product testing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Chapter 140 of the General Laws is hereby amended by inserting after Section 174F the following new section:-

(a) For the purposes of this act:

"Alternative test method" means a test method or strategy that replaces vertebrate animal testing, when a non-animal method is available, and provides information of equivalent or better scientific quality and relevance for its intended purpose, including: methods identified by validation bodies such as the Interagency Coordinating Committee on the Validation of Alternative Methods or the Organization for Economic Co-operation and Development. Alternative test method includes, but is not limited to, computational toxicology and bioinformatics; high-throughput screening methods; testing of categories of chemical substances;

tiered testing methods; in vitro studies; and systems biology; or reduces and refines vertebrate animal testing when there is no non-animal method available;

"Animal" means any vertebrate other than humans;

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

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

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

"Traditional animal test method" means a process or procedure using animals to obtain information regarding the biological effects of exposure to a chemical or agent.

(b) (1)When conducting any ingredient or product testing in the State, no manufacturer or contract testing facility shall use a traditional animal test method for which an appropriate alternative test method or strategy exists. No provision of this subsection shall be construed to apply to any animal test conducted for the purposes of medical research.

(2)No provision of this section shall prohibit the use of any alternative test method for the testing of any product, product formulation, chemical, or ingredient that is not defined in subsection (a).

(3)No provision of this section shall prohibit the use of animal tests to comply with the requirements of State or federal agencies when the federal agency has approved an alternative test method or strategy pursuant to (1) of this subsection and the federal agency concludes that the alternative test method or strategy does not assure the health or safety of consumers.

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

(d) This act shall take effect 6 months from the date of passage.