

Senate Commerce Committee

Aaron Jones 271-2609

SB 444-FN, prohibiting the use of animal testing when other comparable methods are available.

Hearing Date: January 20, 2026

Time Opened: 11:34 a.m.

Time Closed: 11:54 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Fenton and Reardon

Members of the Committee Absent : Senators Murphy and McGough

Bill Analysis: This bill prohibits the use of animals in certain cosmetic product testing.

Sponsors:

Sen. Innis

Rep. C. Harvey

Rep. Long

Who supports the bill: 90 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who opposes the bill: Curtis Howland

Who is neutral on the bill: Brandon Garod (NH Attorney General's Office)

Summary of testimony presented in support:

Senator Daniel Innis

- This bill would prohibit the use of animal testing when other comparable methods are available.
- This bill would protect animals from unnecessary suffering and dying when assessing the safety of products like cosmetics, household cleaners, pesticides, and industrial chemicals.
- As technology has developed, alternative testing methods have become more efficient and cost effective.
- Senator Innis emphasized that companies would only need to use alternative test methods when they are available. Animal testing would not be prohibited for the purposes of biomedical or agricultural research, or if it were necessary to comply with state or federal agency requirements.

Kurt Ehrenberg, NH State Director, Humane World for Animals

- This bill would require manufacturers and contract facilities to use test methods that replace animal testing when they are available, and when it provides information of equivalent or better scientific quality and relevance.
- This bill also would ban the sale of animal tested cosmetics, and it would require reporting on the use of traditional animal methods and alternatives. It would not prohibit the use of animal tests to comply with state and federal agency requirements.
- Unlike animal testing, non-animal testing strategies can closely mimic how the human body responds to drugs and chemical substances.
- The National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods has compiled a list of over 100 methods for guidance documents that completely replace or reduce animal testing. The Center for Drug Evaluation and Research has also published a list of acceptable alternative methods to evaluate new drugs, and it has clarified when non-animal methods can be used by pharmaceutical companies.
- Mr. Ehrenberg said the future of non-animal test methods was organs-on-chips, which are created from human cells, and they are made to look and function like miniature organs. Organs-on-chips are used to determine how human systems react to drugs and chemicals. Several organs, such as the liver, heart, or kidneys, can be linked together through a micro-circulatory system that allows researchers to assess multi-organ responses.
- This bill would end the sale of animal tested cosmetics when new animal testing has been conducted by or on behalf of a manufacturer or any supplier of a manufacturer. Mr. Ehrenberg said this would not impact anything on store shelves.
- This bill contained limited exceptions for animal testing to satisfy regulatory requirements as well as to address scientific and serious health concerns.
- Mr. Ehrenberg said there is strong corporate support for ending cosmetic animal testing.
- Federal legislation has been endorsed by the Personal Care Products Council, which is the leading national trade association representing about 90 percent of the cosmetics industry in the U.S.
- In addition, 402 companies have endorsed the federal effort, including 6 that are headquartered or with stores in New Hampshire. These include Badger in Gilsum, Hemlock Springs Soaps in Lyndeborough, Lush, Tangled Roots Herbal in Lyndeborough, Walgreens with 30 stores, and Whole Food Market with 3 stores.
- The cosmetic provisions in this bill mirrored federal legislation and 12 other states that have passed similar laws.
- Since different species can respond differently to certain chemicals, results are not always relevant to humans, and they can over- or under-estimate actual health hazards. More than 90 percent of human drugs, for example, fail during

clinical trials. Studies have found these failures are caused by unexpected toxicity in human patients or a lack of efficacy.

- Mr. Ehrenberg said animal tests are cruel. Dogs, rabbits, non-human primates, mice and rats in these tests have substances forced down their throats or into their lungs, dripped into their eyes, or smeared onto their skin. Thousands of animals may be used for a single test, and they can suffer for months or years before they are killed. Mice, rats and birds that have been bred specifically for testing make up 95 percent of animals used.
- If this bill were adopted, New Hampshire would join Virginia, New Jersey, New York, and California. 12 states – Maine, New York, Louisiana, New Jersey, Maryland, Virginia, Nevada, Oregon, California, Washington, Illinois, and Hawaii – have ended the sale of animal-tested cosmetics.
- While the science behind this issue was complex, Mr. Ehrenberg said the bill was very simple. If a test can be done without animals, it should be done.
- **Senator Ricciardi** said she sponsored SB 202, which required no testing on animals in the state. She worked together with the stakeholders, and it passed in the Senate, but it died in the House. When she was approached to file this bill, it was different because it banned products from the shelves. These products would range from Aveeno to Degree to Listerine. This could not be done economically, and it would not be good for businesses. She asked if Mr. Ehrenberg would accept an amendment to return the language of this bill to what was in SB 202 as well as take out the language that would ban products from the shelves.
 - **Mr. Ehrenberg** said if it was necessary, but he did not want to commit to anything. In this bill, there was no specific ban on retail sales. The ban would be taken up with the manufacturer, and any enforcement or regulation would be made at that level.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Brandon Garod, Senior Assistant Attorney General and Chief of the Consumer Protection Bureau, Attorney General's Office

- In its current form, this bill would entrust the Attorney General's Office with exclusive regulatory authority, which Attorney Garod said would be problematic.
- The Department would not have the resources to enforce this bill. In addition, they do not have a role in product testing or deciding what products can be sold.
- Since this issue is not related to consumer protection, it is not a current function of the Department.

- This bill would require the Department to investigate and prosecute violators. Attorney Garod said it could be done, but only if they were funded because they would need additional attorneys, investigators, and support staff.
- On Page 3, Roman III, it states, “Notwithstanding any other provision of law, or any rule or regulation adopted pursuant thereto, to the contrary, the exclusive remedy for enforcing this section 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.” On Page 4, Roman IV, however, it creates a violation level offense. Attorney Garod said a violation is separate from a civil remedy because it is a function of the criminal code that can be brought forward by prosecutors, officers, and county attorney’s offices.
- Attorney Garod said the fiscal note submitted by the Department would not have accurately reflected the resources needed to do this. This bill would require the Department to have a full understanding of alternative tests to investigate complaints against companies.
- This bill would outlaw the sale of products that have been subject to certain testing, which would result in an increase in complaints that the Department would need to respond to.
- **Senator Ricciardi** said she was aware of the concerns raised by the Department, which SB 202 tried to correct. She recommended since SB 202 resolved these issues, it should replace the current bill.
 - **Attorney Garod** asked if that bill tasked the Department with enforcement.
- **Senator Ricciardi** said the Department had worked on the language, and the stakeholders had come to an agreement, which is why it passed the Senate.
 - **Attorney Garod** said if there was not an enforcement component for the Department, they would not have a role to weigh in on.