

SB 444-FN - AS INTRODUCED

2026 SESSION

26-2010
08/06

SENATE BILL **444-FN**

AN ACT prohibiting the use of animal testing when other comparable methods are available.

SPONSORS: Sen. Innis, Dist 7; Rep. C. Harvey, Ches. 6; Rep. Long, Hills. 26

COMMITTEE: Commerce

ANALYSIS

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

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT prohibiting the use of animal testing when other comparable methods are available.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Use of Animals in Product Testing. Amend RSA by inserting after chapter 359-
2 U the following new chapter:

3 CHAPTER 359-V

4 USE OF ANIMALS IN PRODUCT TESTING

5 359-V:1 Definitions. In this chapter:

6 I. "Alternative test method or strategy" means a test method, including a new or revised
7 method, that:

8 (a) Does not use animals;

9 (b) Provides information of equivalent or better scientific quality and relevance
10 compared to traditional animal test methods; and

11 (c) Includes, but is not limited to, computational toxicology and bioinformatics, high-
12 throughput screening methods, testing of categories of chemical substances, tiered testing methods,
13 in vitro studies, and microphysiological systems.

14 II. "Animal" means any living vertebrate other than humans.

15 III. "Biomedical research" means the investigation of the biological processes and causes of
16 disease or research conducted to increase fundamental scientific knowledge or to expand the
17 understanding about how processes in living organisms develop and function. "Biomedical research"
18 shall not include testing done to assess the safety or efficacy of chemicals, ingredients, drugs,
19 vaccines, product formulations, or products.

20 IV. "Cosmetic animal testing" means the internal or external application or exposure of any
21 cosmetic product, or any cosmetic ingredient or nonfunctional constituent, to the skin, eyes, or any
22 other body part, organ, or extremity of an animal for the purpose of evaluating the safety or efficacy
23 of a cosmetic product or a cosmetic ingredient or nonfunctional constituent for use in a cosmetic
24 product.

25 V. "Cosmetic" means articles intended to be rubbed, poured, sprinkled, or sprayed on,
26 introduced into, or otherwise applied to the human body or any part thereof for cleansing,
27 beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a
28 component of any such articles, except that such term shall not include soap.

29 VI. "Cosmetic ingredient" means a chemical or mixture used as a component in the
30 manufacture of a cosmetic product, described in 21 C.F.R. section 700.3(e).

1 VII. "Cosmetic manufacturer" means any entity required to specify conspicuously its name
2 and place of business on the label of a cosmetic in package form pursuant to 21 C.F.R. section 701.12.

3 VIII. "Cosmetic product" means a finished cosmetic, the manufacture of which has been
4 completed.

5 IX. "Non-functional constituent" means any incidental ingredient as defined in 21 C.F.R.
6 section 701.3(l).

7 X. "Supplier" means any entity that provides, whether directly or through a third party, any
8 cosmetic ingredient used by a manufacturer in the formulation of a cosmetic product.

9 XI. "Testing facility" means any institution, business, partnership, corporation, association,
10 or other entity that conducts research, studies, tests, or experiments to assess chemicals,
11 ingredients, drugs, vaccines, product formulations, or products in the state.

12 XII. "Traditional animal test method" means a process, procedure, or experiment using
13 animals to obtain information on the characteristics of a chemical, ingredient, drug, vaccine, product
14 formulation, or product and that generates information regarding the ability of the chemical,
15 ingredient, drug, vaccine, product formulation or product to produce a specific biological effect under
16 specified conditions.

17 359-V:2 Animal Testing Prohibited Under Certain Circumstances.

18 I.(a) No testing facility in the state shall use a traditional animal test method in this state if
19 an agency responsible for regulating the specific product or activity for which the test method is
20 being used has either:

21 (1) Approved an alternative test method or strategy; or

22 (2) Made available or granted a waiver from using a traditional animal test method.

23 (b) Where there is no alternative test method or strategy and no waiver available, a
24 testing facility that employs a traditional animal test method shall employ a method involving the
25 fewest possible number of animals and that reduces the level of pain, suffering, and stress of each
26 animal subjected to testing.

27 (c) No provision of this section shall be construed to apply to any animal research
28 conducted for the purposes of biomedical research.

29 (d) This chapter shall not prohibit the use of any nonanimal test method or strategy that
30 is not defined in RSA 359-V:1.

31 (e) This chapter shall not prohibit the use of traditional animal test methods to comply
32 with requirements of state or federal agencies.

33 (f) This chapter shall not prohibit the use of traditional animal test methods, if needed to
34 comply with a written request from a state or federal agency in circumstances where the agency has
35 approved an alternative test method or strategy but has also expressly concluded that a traditional
36 animal test method is needed to fully assess the impacts on the health or safety of consumers.

1 II. Each testing facility in the state shall report annually to the governor's commission on
2 the humane treatment of animals regarding any traditional animal test method or alternative test
3 method or strategy conducted in the prior calendar year. Such report shall include the number and
4 species of animal used, the type and number of alternative test methods or strategies used, the
5 number of waivers used, and the reason for using any traditional animal test methods, alternative
6 test methods or strategies, and waivers, including an explanation for why a traditional animal test
7 method was required. The governor's commission on the humane treatment of animals shall make
8 the results of this data collection publicly available no later than 90 days after receiving the report.
9 Testing facilities shall submit the report no later than January 20, or the next business day
10 following, beginning on January 20, 2028.

11 III. Notwithstanding any other provision of law, or any rule or regulation adopted pursuant
12 thereto, to the contrary, the exclusive remedy for enforcing this section shall be the attorney general
13 bringing a civil action in a court of competent jurisdiction to restrain the violation and for other
14 further relief as the court shall determine is proper.

15 359-V:3 Prohibition on the Sale or Offer for Sale of Cosmetics.

16 I. No cosmetic manufacturer shall knowingly sell or offer for sale in this state any cosmetic
17 if such cosmetic was developed or manufactured using cosmetic animal testing that was conducted or
18 contracted for by the cosmetic manufacturer, or any supplier of the cosmetic manufacturer.

19 II. Paragraph I shall not apply to any of the following:

20 (a) Animal testing conducted outside of the United States and in order to comply with a
21 requirement of a foreign regulatory authority; provided that no evidence derived from the testing
22 was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product being sold
23 by the manufacturer in the state.

24 (b) Animal testing conducted for any cosmetic or cosmetic ingredient subject to
25 regulation under the Chapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 351
26 et seq.

27 (c) Animal testing conducted for an ingredient intended to be used in a product that is
28 not a cosmetic product and conducted pursuant to a requirement of a federal, state, or foreign
29 regulatory authority; provided that no evidence derived from such testing was relied upon to
30 substantiate the safety of a cosmetic sold in New Hampshire by a cosmetics manufacturer, unless all
31 of the following apply:

32 (1) There is no alternative test method or strategy to test the safety of the cosmetic
33 ingredient or non-functional constituent; and

34 (2) There is documented evidence that animal testing was conducted with the intent
35 to use the ingredients in a product other than a cosmetic; and

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1 (3) The ingredient has been used in a product other than cosmetics at least 12
2 months before the cosmetics manufacturer or cosmetic supplier relied on the results of animal
3 testing.

4 (d) Animal testing is requested, required, or conducted by a federal or state regulatory
5 authority and all of the following apply:

6 (1) There is no alternative test method or strategy to test the safety of the cosmetic
7 ingredient or non-functional constituent; and

8 (2) There is a reasonable probability that the ingredient or nonfunctional
9 constituent poses a specific and serious adverse human health risk and the need to conduct animal
10 testing is justified and supported by a detailed research protocol that is proposed as the basis for the
11 evaluation of the cosmetic ingredient or nonfunctional constituent; and

12 (3) The cosmetic ingredient or non-functional constituent is in wide use and, in the
13 case of a cosmetic ingredient, cannot be replaced by another cosmetic ingredient capable of
14 performing a similar function.

15 III. This section shall not apply to the following:

16 (a) A cosmetic product, if the cosmetic product in its final form was tested on animals
17 before the effective date of this chapter, even if the cosmetic is manufactured on or after that date,
18 provided that no new animal testing in violation of this chapter occurs after its effective date.

19 (b) A cosmetic ingredient if the cosmetic ingredient was tested on animals before the
20 effective date of this chapter, even if the ingredient is manufactured on or after that date, provided
21 that no new animal testing in violation of this chapter occurs after its effective date.

22 (c) A cosmetic manufacturer or cosmetic supplier reviewing, assessing, or retaining
23 evidence from a cosmetic animal test.

24 (d) A retailer in the state of New Hampshire who sells but does not manufacture
25 cosmetics.

26 IV. No political subdivision of the state shall establish or continue any prohibition on or
27 relating to cosmetic animal testing, as defined in this section, that is not identical to the prohibitions
28 set forth in this section.

29 359-V:4 Penalties. Notwithstanding RSA 651:2, a cosmetic manufacturer that sells or offers for
30 sale a cosmetic in violation of this chapter shall be guilty of a violation punishable by a fine of not
31 more than \$5,000 for the first day of such violation, and an additional fine of \$1,000 for each day
32 that the violation continues.

33 359-V:5 Severability.

34 If any provision of this chapter is held invalid, or if its application to any person or circumstance
35 is held invalid, such invalidity does not affect other provisions or applications of this chapter which
36 can be given effect without the invalid provision or application.

37 2 Effective Date. This act shall take effect January 1, 2027.

LBA
26-2010
11/18/25

**SB 444-FN- FISCAL NOTE
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AN ACT prohibiting the use of animal testing when other comparable methods are available.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2026 through 2029.

AGENCIES CONTACTED:

Department of Justice and Governor's Office