

Amendment to SB 202-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT prohibiting the sale of products tested on animals.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Chapter; Prohibition on Animal Testing. Amend RSA by inserting after chapter 359-S  
8 the following new chapter:

9

CHAPTER 359-T

10

PROHIBITING SALE OF PRODUCTS USED IN ANIMAL TESTING

11

359-T:1 Prohibition on the Sale or Offer for Sale of Products Tested on Animals.

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I. No manufacturer shall sell or offer for sale in this state any product if such product was  
13 developed or manufactured using animal testing that was conducted or contracted for by the  
14 manufacturer, or any supplier of the manufacturer.

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II. Paragraph I shall not apply to the following forms of animal testing:

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(a) Testing conducted outside of the United States and in order to comply with a  
17 requirement of a foreign regulatory authority; provided that no evidence derived from the testing  
18 was relied upon to substantiate the safety of the ingredient or product being sold by the  
19 manufacturer in New Hampshire.

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(b) Testing conducted for any product or product ingredient subject to regulation under  
21 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 301 et seq.; or

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(c) Testing requested, required, or conducted by a federal or state regulatory authority  
23 and each of the following apply:

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(1) There is no non-animal alternative method or strategy recognized by any federal  
25 or state agency or the Organization for Economic Co-operation and Development to test the safety of  
26 the product ingredient or non-functional constituent; and

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(2) The product ingredient or nonfunctional constituent poses a risk of causing a  
28 specific human health problem that is substantiated and the need to conduct animal testing is  
29 justified and supported by a detailed research protocol proposed as the basis for the evaluation of the  
30 ingredient or nonfunctional constituent; and

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(3) The ingredient or nonfunctional constituent is in wide use and cannot be replaced  
32 by another ingredient capable of performing a similar function.

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

2                 (a) A pharmaceutical or medical product.

3                 (b) A retailer in the state of New Hampshire.

4           IV. No political subdivision of the state shall establish or continue any prohibition on or  
5 relating to animal testing that is not identical to the prohibitions set forth in this section.

6           359-T:3 Penalties. Notwithstanding RSA 651:2, a manufacturer that sells or offers for sale a  
7 product in violation of this chapter shall be guilty of a violation punishable by a fine of not more than  
8 \$5,000 for the first day of such violation, and an additional fine of \$1,000 for each day that the  
9 violation continues.

10          359-T:4 Severability. If any provision of this chapter is held invalid, or if its application to any  
11 person or circumstance is held invalid, such invalidity does not affect other provisions or applications  
12 of this chapter which can be given effect without the invalid provision or application.

13          2 Effective Date. This act shall take effect January 1, 2023.

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AMENDED ANALYSIS

This bill prohibits the sale of products tested on animals.