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**Introduced by Senator O’Connell**

February 25, 2000

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An act to add Section 1834.8 to the Civil Code, relating to animal testing.

LEGISLATIVE COUNSEL’S DIGEST

SB 2082, as introduced, O’Connell. Animals: safety testing.

Under existing law, any pound or animal regulation department of a public or private agency where animals are turned over to a research facility is required to post a clearly visible notice that animals turned in to the agency may be used for research purposes.

This bill would prohibit manufacturers and contract testing facilities from using traditional animal test methods in this state for which an appropriate alternative method has been scientifically validated and recommended by the United States federal Inter-Agency Coordinating Committee for the Validation of Alternative Methods or other specified agencies. The bill would impose a civil penalty of \$5,000 for each violation of this provision, which would be assessed and recovered as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1834.8 is added to the Civil Code,
- 2 to read:

1 1834.8. (a) Manufacturers and contract testing  
2 facilities shall not use traditional animal test methods  
3 within this state for which an appropriate alternative test  
4 method has been scientifically validated and  
5 recommended by the Inter-Agency Coordinating  
6 Committee for the Validation of Alternative Methods  
7 (ICCVAM) and adopted by the federal agency or  
8 agencies responsible for regulating the specific product  
9 or activity for which the test is being conducted.

10 (b) Nothing in this section shall prohibit the use of any  
11 alternative nonanimal test method for the testing of any  
12 product, product formulation, chemical, or ingredient  
13 that is not recommended by ICCVAM.

14 (c) Nothing in this section shall preempt state law or  
15 regulation.

16 (d) Notwithstanding any other provision of law, any  
17 person, manufacturer, or contract testing facility that  
18 violates subdivision (a) shall be enjoined from further  
19 violation and be liable for a civil penalty of five thousand  
20 dollars (\$5,000) for each violation which shall be assessed  
21 and recovered in a civil action brought by the Attorney  
22 General, any district attorney, or any entity lawfully  
23 organized under the federal Internal Revenue Service  
24 Code as a 501(c)3 or 501(c)4 organization for the purpose  
25 of protecting or providing for the welfare of animals. The  
26 prevailing party in any civil action brought under this  
27 section shall be awarded attorney's fees and costs as  
28 determined by the court.

29 (e) This section shall not apply to any animal test  
30 performed for the purpose of medical research.

31 (f) For the purposes of this section, these terms have  
32 the following meanings:

33 (1) "Animal" means vertebrate nonhuman animal.

34 (2) "Manufacturer" means any individual,  
35 partnership, corporation, association, or other legal  
36 relationship that produces chemicals, ingredients,  
37 product formulations, or products in this state.

38 (3) "Contract testing facility" means any individual,  
39 partnership, corporation, association, or other legal



1 relationship that tests chemicals, ingredients, product  
2 formulations, or products in this state.

3 (4) “ICCVAM” means the Inter-Agency Coordinating  
4 Committee for the Validation of Alternative Methods, a  
5 federal committee comprised of representatives from 14  
6 federal regulatory or research agencies, including the  
7 Food and Drug Administration, Environmental  
8 Protection Agency, and Consumer Products Safety  
9 Commission, that reviews the validity of alternative test  
10 methods. The committee is the federal mechanism for  
11 recommending appropriate, valid test methods to  
12 relevant federal agencies.

13 (5) “Medical research” means research related to the  
14 causes, diagnosis, treatment, control, and prevention of  
15 physical and mental diseases and impairments of humans  
16 and animals.

17 (6) “Traditional animal test method” means a process  
18 or procedure using animals to obtain information on the  
19 characteristics of a chemical or agent. Toxicological test  
20 methods generate information regarding the ability of a  
21 chemical or agent to produce a specific biological effect  
22 under specified conditions.

23 (7) “Validated alternative test method” means a test  
24 method that does not use animals, or in some cases  
25 reduces or refines the current use of animals for which the  
26 reliability and relevance for a specific purpose has been  
27 established in validation studies as specified in the  
28 ICCVAM report provided to the relevant federal  
29 agencies.

30 (8) “Person” means an individual with managerial  
31 control, partnership, corporation, association, or other  
32 legal relationship.

33 (9) “Adopted by a federal agency” means a formal  
34 action taken by an agency, published in the Federal  
35 Register, for public notice.

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