

REFERENCE TITLE: cosmetics sales; animal testing; prohibitions

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1005

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12.1; RELATING TO SALES OF GOODS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is
3 amended by adding article 12.1, to read:

4 ARTICLE 12.1. COSMETIC SALES

5 44-1781. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COSMETIC":

8 (a) MEANS A PRODUCT THAT IS EITHER OF THE FOLLOWING:

9 (i) INTENDED TO BE RUBBED, POURED, SPRINKLED OR SPRAYED ON,
10 INTRODUCED INTO OR OTHERWISE APPLIED TO THE HUMAN BODY OR ANY PART OF THE
11 HUMAN BODY FOR THE PURPOSES OF CLEANSING, BEAUTIFYING, PROMOTING
12 ATTRACTIVENESS OR ALTERING APPEARANCE.

13 (ii) INTENDED FOR USE AS A COMPONENT OF A PRODUCT DESCRIBED IN ITEM
14 (i) OF THIS SUBDIVISION.

15 (b) DOES NOT INCLUDE SOAP.

16 2. "COSMETIC ANIMAL TESTING" MEANS THE INTERNAL OR EXTERNAL
17 APPLICATION OR EXPOSURE OF A COSMETIC PRODUCT, COSMETIC INGREDIENT OR
18 NONFUNCTIONAL CONSTITUENT TO THE SKIN OR EYES OR ANY OTHER BODY PART,
19 ORGAN OR EXTREMITY OF A LIVE NONHUMAN VERTEBRATE FOR THE PURPOSE OF
20 EVALUATING THE SAFETY OF A COSMETIC PRODUCT OR A COSMETIC INGREDIENT OR
21 NONFUNCTIONAL CONSTITUENT FOR THE USE IN A COSMETIC PRODUCT.

22 3. "COSMETIC INGREDIENT" MEANS A SINGLE CHEMICAL ENTITY OR MIXTURE
23 USED AS A COMPONENT IN THE MANUFACTURE OF A COSMETIC PRODUCT.

24 4. "COSMETIC PRODUCT" MEANS A FINISHED AND COMPLETE COSMETIC.

25 5. "MANUFACTURER" MEANS AN ENTITY THAT IS REQUIRED TO SPECIFY
26 CONSPICUOUSLY ITS NAME AND PLACE OF BUSINESS ON THE LABEL OF A COSMETIC IN
27 PACKAGE FORM PURSUANT TO 21 CODE OF FEDERAL REGULATIONS SECTION 701.12.

28 6. "NONFUNCTIONAL CONSTITUENT" MEANS AN INCIDENTAL INGREDIENT AS
29 PRESCRIBED IN 21 CODE OF FEDERAL REGULATIONS SECTION 701.3 ON JANUARY 1,
30 2026.

31 7. "SUPPLIER" MEANS AN ENTITY THAT PROVIDES, WHETHER DIRECTLY OR
32 THROUGH A THIRD PARTY, A COSMETIC INGREDIENT USED BY A MANUFACTURER IN THE
33 FORMULATION OF A COSMETIC PRODUCT.

34 44-1782. Cosmetic animal testing; prohibition

35 NOTWITHSTANDING ANY OTHER LAW, IT IS UNLAWFUL FOR A MANUFACTURER TO
36 KNOWINGLY SELL OR OFFER FOR SALE IN THIS STATE A COSMETIC THAT USED
37 COSMETIC ANIMAL TESTING DURING THE DEVELOPMENT OR MANUFACTURE OF THE
38 COSMETIC IF THE COSMETIC ANIMAL TESTING WAS CONDUCTED BY THE MANUFACTURER,
39 ANY SUPPLIER OF THE MANUFACTURER OR ANY PERSON HIRED OR CONTRACTED BY THE
40 MANUFACTURER.

41 44-1783. Exceptions

42 A. THIS ARTICLE DOES NOT APPLY IF THE COSMETIC ANIMAL TESTING IS
43 ANY OF THE FOLLOWING:

44 1. CONDUCTED OUTSIDE OF THE UNITED STATES AND IS REQUIRED BY A
45 FOREIGN REGULATORY AUTHORITY. THE EXCEPTION PROVIDED IN THIS PARAGRAPH

1 APPLIES ONLY IF THERE IS NO EVIDENCE RESULTING FROM THE TESTING THAT IS
2 RELIED ON TO SUBSTANTIATE THE SAFETY OF THE COSMETIC INGREDIENT OR
3 COSMETIC PRODUCT BEING SOLD BY THE MANUFACTURER IN THIS STATE.

4 2. CONDUCTED FOR A COSMETIC OR COSMETIC INGREDIENT SUBJECT TO
5 REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (52 STAT. 1040;
6 21 UNITED STATES CODE SECTIONS 351 THROUGH 360n).

7 3. CONDUCTED FOR AN INGREDIENT INTENDED TO BE USED IN A PRODUCT
8 THAT IS NOT A COSMETIC PRODUCT AND THAT IS CONDUCTED PURSUANT TO A
9 REQUIREMENT OF A FEDERAL, STATE OR FOREIGN REGULATORY AUTHORITY IF EITHER:

10 (a) THE ANIMAL TESTING DOES NOT RESULT IN EVIDENCE THAT IS RELIED
11 ON TO SUBSTANTIATE THE SAFETY OF A COSMETIC SOLD IN THIS STATE BY A
12 COSMETICS MANUFACTURER.

13 (b) ALL OF THE FOLLOWING APPLY:

14 (i) THE MANUFACTURER HAS DETERMINED THE NEED TO RELY ON DATA THAT
15 IS OBTAINED FROM THE TESTING BECAUSE THERE IS NOT A NONANIMAL ALTERNATIVE
16 METHOD OR STRATEGY RECOGNIZED BY A FEDERAL OR STATE AGENCY OR THE
17 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT FOR THE RELEVANT
18 SAFETY ENDPOINTS FOR THE COSMETIC INGREDIENT OR NONFUNCTIONAL CONSTITUENT.

19 (ii) THERE IS DOCUMENTED EVIDENCE OF THE NON-COSMETIC INTENT OF THE
20 ANIMAL TESTING.

21 (iii) THERE IS A HISTORY OF USE OF THE INGREDIENT OUTSIDE OF
22 COSMETICS FOR A PERIOD OF AT LEAST TWELVE MONTHS BEFORE RELIANCE DESCRIBED
23 IN SUBDIVISION (a) OF THIS PARAGRAPH.

24 4. REQUESTED, REQUIRED OR CONDUCTED BY A FEDERAL OR STATE
25 REGULATORY AUTHORITY IF ALL OF THE FOLLOWING APPLY:

26 (a) THERE IS NOT A NONANIMAL ALTERNATIVE METHOD OR STRATEGY
27 RECOGNIZED BY A FEDERAL OR STATE AGENCY OR THE ORGANISATION FOR ECONOMIC
28 CO-OPERATION AND DEVELOPMENT FOR THE RELEVANT SAFETY ENDPOINTS FOR THE
29 COSMETIC INGREDIENT OR NONFUNCTIONAL CONSTITUENT.

30 (b) THERE IS A REASONABLE PROBABILITY THAT THE COSMETIC INGREDIENT
31 OR NONFUNCTIONAL CONSTITUENT POSES A SPECIFIC AND SERIOUS ADVERSE HUMAN
32 HEALTH RISK, AND THE NEED TO CONDUCT COSMETIC ANIMAL TESTING IS JUSTIFIED
33 AND SUPPORTED BY A DETAILED RESEARCH PROTOCOL THAT IS PROPOSED AS THE
34 BASIS FOR THE EVALUATION OF THE COSMETIC INGREDIENT OR NONFUNCTIONAL
35 CONSTITUENT.

36 (c) THE COSMETIC INGREDIENT OR NONFUNCTIONAL CONSTITUENT IS IN WIDE
37 USE AND, IN THE CASE OF A COSMETIC INGREDIENT, CANNOT BE REPLACED BY
38 ANOTHER COSMETIC INGREDIENT CAPABLE OF PERFORMING A SIMILAR FUNCTION.

39 B. THIS ARTICLE DOES NOT APPLY TO ANY OF THE FOLLOWING:

40 1. A COSMETIC IN ITS FINAL FORM THAT WAS TESTED ON ANIMALS BEFORE
41 JANUARY 1, 2027 IF THE MANUFACTURER OR A PERSON ON THE MANUFACTURER'S
42 BEHALF DOES NOT CONDUCT NEW COSMETIC ANIMAL TESTING IN VIOLATION OF THIS
43 SECTION FROM AND AFTER DECEMBER 31, 2026. THIS PARAGRAPH APPLIES IF THE
44 COSMETIC IS MANUFACTURED BEFORE, ON OR AFTER JANUARY 1, 2027.

1 2. AN INGREDIENT IN A COSMETIC THAT IS TESTED ON ANIMALS BEFORE
2 JANUARY 1, 2027 IF THE MANUFACTURER OR A PERSON ON THE MANUFACTURER'S
3 BEHALF DOES NOT CONDUCT NEW COSMETIC ANIMAL TESTING IN VIOLATION OF THIS
4 SECTION FROM AND AFTER DECEMBER 31, 2026. THIS PARAGRAPH APPLIES IF THE
5 INGREDIENT IS MANUFACTURED BEFORE, ON OR AFTER JANUARY 1, 2027.

6 3. A COSMETIC MANUFACTURER REVIEWING, ASSESSING OR RETAINING
7 EVIDENCE FROM COSMETIC ANIMAL TESTING.

8 44-1784. Cosmetic sales; state preemption

9 THE REGULATION OF THE SALE OF COSMETICS IS OF STATEWIDE CONCERN.
10 THE REGULATION OF THE SALE OF COSMETICS PURSUANT TO THIS ARTICLE IS NOT
11 SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL
12 SUBDIVISION OF THIS STATE AND PREEMPTS ALL INCONSISTENT LAWS, RULES,
13 REGULATIONS, CODES, ORDINANCES, POLICIES OR OTHER LAWS ADOPTED BY ANY
14 PUBLIC EMPLOYER.

15 44-1785. Violation; civil penalty

16 A MANUFACTURER THAT SELLS OR OFFERS FOR SALE A COSMETIC IN VIOLATION
17 OF THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR
18 THE FIRST DAY OF THE VIOLATION AND AN ADDITIONAL CIVIL PENALTY OF \$500 FOR
19 EACH DAY THAT THE VIOLATION CONTINUES.

20 Sec. 2. Severability

21 If a provision of this act or its application to any person or
22 circumstance is held invalid, the invalidity does not affect other
23 provisions or applications of the act that can be given effect without the
24 invalid provision or application, and to this end the provisions of this
25 act are severable.

26 Sec. 3. Effective date

27 This act is effective from and after December 31, 2026.