

# SB3678



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3678

Introduced 1/21/2022, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Protection of Dogs and Cats from Unnecessary Testing Act. Prohibits in the State of Illinois the use of dogs or cats in toxicological experiments to achieve discovery, approval, registration, or maintenance of a pesticide, food additive, or other chemical substance. Provides an exemption for express requirements contained within the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, or the Federal Food Drug and Cosmetic Act and for testing or experimentation conducted for the purpose of developing, manufacturing, or marketing any product intended for beneficial use in nonhuman animals. Provides for enforcement by the Attorney General or a State's Attorney in the county in which a violation occurred, and provides that a prevailing official may recover civil penalties, not to exceed \$5,000 for each day that each dog or each cat is used in violation of the Act, and court costs and attorney's fees. Provides that if the Attorney General or State's Attorney has reason to believe that a testing facility has engaged in or is engaging in any practice in violation and that proceedings would be in the public interest, the official may bring an action against the testing facility to restrain the action by preliminary or permanent injunction. Effective immediately.

LRB102 25265 NLB 34538 b

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Protection of Dogs and Cats from Unnecessary Testing Act.

6 Section 5. Definitions. As used in this Act:

7 "Alternative test method" means a test method that does  
8 not use animals, or in some cases reduces or refines the use of  
9 animals, for which the reliability and relevance for a  
10 specific purpose has been established by validation bodies,  
11 including, but not limited to, the Interagency Coordinating  
12 Committee for the Validation of Alternative Methods and the  
13 Organization for Economic Co-operation and Development.  
14 "Alternative test methods" includes, but is not limited to,  
15 high-throughput screening methods, testing of categories of  
16 chemical substances, tiered testing methods, in vitro studies,  
17 and systems biology.

18 "Application or exposure" includes, but is not limited to,  
19 oral ingestion, skin or eye contact, or inhalation.

20 "Cat" means a small domesticated carnivorous mammal that  
21 is a member of the family Felidae, order Carnivora.

22 "Canine or feline toxicological experiment" means any test  
23 or study of any duration that seeks to determine the effect, if

1 any, of the application or exposure, whether internal or  
2 external, of any amount of a chemical substance on a dog or  
3 cat.

4 "Chemical substance" has the meaning provided under the  
5 Toxic Substances Control Act of 1976, 15 U.S.C. 2602(2),  
6 except that "chemical substance" also includes pesticide and  
7 food additive.

8 "Dog" means any member of the species *Canis familiaris*.

9 "Food additive" has the meaning provided in the Federal  
10 Food, Drug, and Cosmetic Act, 21 U.S.C. 321(s).

11 "Pesticide" has the meaning provided in the Federal  
12 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136(u).

13 "Testing facility" means any partnership, corporation,  
14 association, school, institution, organization, or other  
15 entity, whether privately or governmentally owned, leased, or  
16 operated, that tests chemicals, ingredients, product  
17 formulations, or products in this State.

18 Section 10. Prohibition on the use of dogs or cats in  
19 toxicological experiments; exemptions; enforcement.

20 (a) Notwithstanding any other provision law, a testing  
21 facility shall not conduct a canine or feline toxicological  
22 experiment in this State to:

23 (1) achieve discovery, approval, registration, or  
24 maintenance of a pesticide or other chemical substance,  
25 unless such experiment is conducted pursuant to an express

1 requirement contained within the Federal Insecticide,  
2 Fungicide, and Rodenticide Act; the Toxic Substances  
3 Control Act of 1976; or any binding federal agency  
4 regulation promulgated upon notice and comment thereunder;  
5 or

6 (2) achieve discovery or approval of a food additive,  
7 unless such experiment is conducted pursuant to an express  
8 requirement contained within the Federal Food Drug and  
9 Cosmetic Act or any binding federal agency regulation  
10 promulgated upon notice and comment thereunder.

11 (b) Whenever the Attorney General or a State's Attorney  
12 having jurisdiction has reason to believe that a testing  
13 facility has engaged in or is engaging in any practice in  
14 violation of this Act, and that proceedings would be in the  
15 public interest, the official may bring an action in the name  
16 of the People of the State against the testing facility to  
17 restrain by preliminary or permanent injunction the use of  
18 that practice.

19 (c) If the court determines that the Attorney General or  
20 State's Attorney is the prevailing party in an action filed  
21 pursuant to subsection (b), the official may recover a civil  
22 penalty not to exceed \$5,000 for each day that each dog or each  
23 cat is used in a canine or feline toxicological experiment in  
24 violation of this Act. In addition to the civil penalty, the  
25 official may also recover court costs and attorney's fees.

26 (d) The prohibition in subsection (a) does not apply to

1 testing or experimentation conducted for the purpose of  
2 developing, manufacturing, or marketing any product intended  
3 for beneficial use in nonhuman animals, including, but not  
4 limited to, anesthesia, cancer treatment, animal vaccines,  
5 other animal medicines, or flea and tick products.

6 Section 97. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.