

Date of Hearing: May 10, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 357 (Maienschein) – As Amended March 15, 2023

Policy Committee: Judiciary

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill expands the current law prohibiting testing on an animal when an alternative test method exists and requires companies that use traditional animal testing methods to report annually to the Department of Justice (DOJ) information about the traditional tests they conduct.

Specifically, this bill:

- 1) Defines “alternative test method or strategy” to mean a test method that does not use animals, provides information of equivalent or better scientific quality and relevance compared to traditional animal test methods, and has been identified and accepted for use by a federal agency or program within a relevant regulatory agency, as specified.
- 2) Defines “biomedical research” to mean the investigation of the biological processes and causes of disease or research conducted to increase fundamental scientific knowledge, and to expand the understanding about how processes in living organisms develop and function but does not include traditional animal test methods done to assess the safety or efficacy of chemicals, ingredients, drugs, medical devices, vaccines, product formulations, or products.
- 3) Defines “traditional animal test method” to mean a process or procedure using animals to obtain information on the characteristics of a chemical or agent and that generates information regarding the ability of a chemical or agent to produce a specific biological effect under specified conditions.
- 4) Prohibits manufacturers and contract facilities from using traditional animal test methods for which an appropriate alternative test method or strategy exists or a waiver has been granted by the agency responsible for regulating the specific product or activity for which the test is being conducted.
- 5) Requires, when an alternative test method or strategy does not exist, manufacturers and contract testing facilities to use a traditional animal test method using the fewest number of animals possible and reducing the level of pain, suffering, and stress of an animal used for testing to the greatest extent possible.
- 6) Requires a manufacturer or contract testing facility using traditional animal test methods to report, on an annual basis starting in 2025, specified information to the Attorney General about the test methods they used and their purpose.

- 7) Requires the Attorney General to publish the information submitted pursuant to 6) in a publicly available manner on its website, and ensure that information published on its website does not include personally identifiable information or proprietary information.

FISCAL EFFECT:

Ongoing costs to DOJ (General Fund) in the hundreds of thousands of dollars annually. DOJ reports costs of \$47,000 in fiscal year (FY) 2023-24, \$319,000 in FY 2024-25, and \$555,000 in FY 2025-26 and ongoing. DOJ's Consumer Protection Section anticipates adding three positions beginning in 2025 to enforce the provision so the bill, and DOJ's California Justice Information Services Division anticipates staffing costs to initiate and support the online reporting requirements of the bill.

COMMENTS:

- 1) **Author's Statement.** According to the author:

California is a scientific and technological leader in non-animal alternatives. Science is rapidly moving away from outdated animal tests as many faster, less expensive, and more human-relevant alternative methods become available. This legislation would ensure that companies in California are taking advantage of these new testing strategies as soon as they are available and appropriate for use. AB 357 would require companies and their contract testing facilities to use test methods that replace animal testing when they are available and provide information of equivalent or better scientific quality and relevance for the intended purpose. The bill would also require a manufacturer or contract testing facility using traditional animal testing methods to report annually to the Attorney General information regarding their use of animal testing.

- 2) **Background.** As detailed in the analysis of this bill by the Assembly Committee on Judiciary, California has been on the forefront of efforts to eliminate unnecessary testing of consumer products on animals. In 2000, the Legislature enacted SB 2082 (O'Connell), Chapter 476, Statutes of 2000, which prohibited animal testing if an alternative test was approved by the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM). Since then, ICCVAM has stopped validating alternatives to animal testing, and the Legislature passed additional laws limiting animal testing, including testing of cosmetic products (SB 1249 (Galgiani), Chapter 899, Statutes of 2018) and toxicological testing on dogs and cats (SB 879 (Wiener), Chapter 551, Statutes of 2022).

This bill would prohibit a manufacturer or contract testing facility from using a traditional animal test method if an appropriate alternative test method exists or a waiver has been granted by a regulatory agency. The bill also requires a manufacturer or contract testing facility to report to DOJ detailed information about the traditional animal test methods, alternative test methods, and waivers they have used. DOJ must make the reported data available on its website, but must ensure that the published information does not include personally identifiable information or proprietary information.