

Chapter 69.05 RCW
CRUELTY FREE COSMETICS ACT

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RCW 69.05.010 Definitions. (Effective January 1, 2025.) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (a) "Cosmetic" means articles intended:

(i) To be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; or

(ii) For use as a component of any articles under (a) (i) of this subsection.

(b) "Cosmetic" does not include soap.

(2) "Cosmetic animal testing" means the internal or external application or exposure of any cosmetic product, or any cosmetic ingredient or nonfunctional constituent, to the skin, eyes, or any other body part of a live, nonhuman vertebrate.

(3) "Cosmetic ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product, as defined in 21 C.F.R. Sec. 700.3(e) on January 1, 2025.

(4) "Cosmetic product" means a finished cosmetic, the manufacture of which has been completed.

(5) "Manufacture" has the same meaning as "to manufacture" in RCW 82.04.120.

(6) "Manufacturer" means any entity required to specify conspicuously its name and place of business on the label of a cosmetic in package form under 21 C.F.R. Sec. 701.12 on January 1, 2025.

(7) "Nonfunctional constituent" means any incidental ingredient as defined in 21 C.F.R. Sec. 701.3(1) on January 1, 2025.

(8) "Supplier" means any entity that provides, whether directly or through a third party, any cosmetic ingredient used by a manufacturer in the formulation of a cosmetic product. [2024 c 107 s 1.]

RCW 69.05.020 Sales of cosmetics tested on animals—Prohibited. (Effective January 1, 2025.) Beginning January 1, 2025, it is unlawful for a manufacturer to sell or offer for sale in this state a cosmetic if the cosmetic was developed or manufactured using cosmetic animal testing that was conducted or contracted for by the manufacturer or any supplier of the manufacturer. [2024 c 107 s 2.]

RCW 69.05.030 Sales of cosmetics tested on animals—Exception to prohibition. (Effective January 1, 2025.) RCW 69.05.020 does not apply with respect to cosmetic animal testing:

(1) Conducted outside of the United States in order to comply with a requirement of a foreign regulatory authority if no evidence derived from the testing was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product being sold by the manufacturer in Washington;

(2) Conducted for any cosmetic or cosmetic ingredient subject to regulation under 21 U.S.C. Sec. 351 et seq., of the federal food, drug, and cosmetic act;

(3) Conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product and is conducted under a requirement of a federal, state, or foreign regulatory authority if no evidence derived from the testing was relied upon to substantiate the safety of a cosmetic sold in Washington by a cosmetics manufacturer, unless all of the following apply:

(a) There is documented evidence of the noncosmetic intent of the test; and

(b) There is a history of use of the ingredient outside of cosmetics at least 12 months before the reliance; or

(4) Requested, required, or conducted by a federal or state regulatory authority and each of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the organization for economic cooperation and development for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

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

(c) That the cosmetic ingredient or nonfunctional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by another cosmetic ingredient capable of performing a similar function. [2024 c 107 s 3.]

RCW 69.05.040 Sales of cosmetics tested on animals—Prohibition application. (Effective January 1, 2025.) RCW 69.05.020 does not apply to:

(1) A cosmetic if the cosmetic in its final form was tested on animals before January 1, 2025, even if the cosmetic is manufactured on or after January 1, 2025, if no new animal testing in violation of this chapter occurs after January 1, 2025, by or on behalf of the manufacturer;

(2) An ingredient in a cosmetic if the ingredient was tested on animals before January 1, 2025, even if the ingredient is manufactured on or after January 1, 2025, if no new animal testing in violation of this chapter occurs after January 1, 2025, by or on behalf of the manufacturer; or

(3) A cosmetic manufacturer reviewing, assessing, or retaining evidence from a cosmetic animal test. [2024 c 107 s 4.]

RCW 69.05.050 Preemption. (Effective January 1, 2025.) No county or political subdivision of the state may establish or continue any prohibition on or relating to cosmetic animal testing that is not identical to the prohibitions set forth in this chapter. [2024 c 107 s 5.]

RCW 69.05.060 Penalty. (Effective January 1, 2025.) A manufacturer that sells or offers for sale a cosmetic in violation of this chapter commits a civil violation punishable by a fine of not more than \$5,000 for each violation. [2024 c 107 s 6.]

RCW 69.05.900 Short title. (Effective January 1, 2025.) This chapter may be known and cited as the cruelty free cosmetics act. [2024 c 107 s 7.]

RCW 69.05.901 Effective date—2024 c 107. This act takes effect January 1, 2025. [2024 c 107 s 9.]