

HOUSE BILL No. 5030

July 28, 1989, Introduced by Reps. Runco, Honigman, Webb, Porreca, Brown, Martin, Munsell, Ciaramitaro, Power, Jaye, Perry Bullard, Varga, DeMars, Gire, Miller, Bandstra, Stopczynski, Sikkema, Leland, Dolan, Banks and Joe Young, Jr. and referred to the Committee on State Affairs.

A bill to provide for the humane testing of certain consumer products that contain substances that are hazardous; and to prescribe the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan consumer products safe testing act".

3 Sec. 2. As used in this act:

4 (a) "Animal" means any vertebrate.

5 (b) "Animal toxicity test" means an animal model acute tox-
6 icity test, including, but not limited to, the draize eye or skin
7 irritancy test, approximate lethal dose test, and the limit
8 test.

9 (c) "LD50" means a lethal dose when 50% of the animals in a
10 test group die as a result of the exposure.

1 (d) "Nonanimal toxicity test" means a nonanimal model acute
2 toxicity test, including, but not limited to, cell culture, com-
3 puter modeling, protein alteration, and chorioallantoic membrane
4 techniques.

5 (e) "Rules" and "guideline" have the meanings attributed to
6 these terms in the administrative procedures act of 1969, Act
7 No. 306 of the Public Acts of 1969, being sections 24.201 to
8 24.328 of the Michigan Compiled Laws.

9 Sec. 3. The legislature finds all of the following:

10 (a) The LD50 test is an acute toxicity test on animals that
11 has been shown to be inaccurate, misleading, and unnecessary in
12 product testing, and other tests have been developed that are
13 less costly, more humane, and more accurate.

14 (b) Nonanimal alternatives to the use of LD50 have been
15 developed for other acute toxicity tests using animals.

16 (c) The federal government has encouraged the use of the
17 LD50 test and other animal acute toxicity tests through regula-
18 tions which mandate their use, encourage their use, or do not
19 prescribe other less costly, more accurate, and humane alterna-
20 tives, and private industry is reluctant to use other tests with-
21 out encouragement from the federal or state government.

22 (d) Private industry and the consumer will benefit from the
23 promotion of alternative methods of testing when these alterna-
24 tives are more accurate and humane than animal tests.

25 Sec. 4. (1) State departments and agencies shall encourage
26 the development and use of product testing procedures that
27 accurately reflect human reactions to products, including

1 consumer products and products containing hazardous or toxic
2 substances, but which do not rely upon animal models.

3 (2) The department of agriculture shall be the state depart-
4 ment responsible for implementing this act and may promulgate
5 rules pursuant to the administrative procedures act of 1969, Act
6 No. 306 of the Public Acts of 1969, being sections 24.201 to
7 24.328 of the Michigan Compiled Laws, as necessary to implement
8 this act.

9 Sec. 5. (1) Beginning 1 year after the effective date of
10 this act, a state department or agency shall not consider LD50
11 test results or draize eye or skin irritancy tests when determin-
12 ing product safety, labeling, or transportation requirements for
13 the purposes of state regulation, if test results from more
14 humane alternatives are available.

15 (2) Beginning 1 year after the effective date of this act,
16 each department or agency head shall do all of the following:

17 (a) Review and evaluate any regulation, rule, guideline, or
18 recommendation issued by that department or agency that requires
19 or recommends the use of an animal toxicity test for the purpose
20 of premarket evaluation of the relative acute toxicity of a
21 product.

22 (b) Promulgate rules or guidelines that specify that nonani-
23 mal toxicity tests be used instead of animal toxicity tests,
24 unless required by federal law or if the department or agency
25 head determines that in certain limited cases the nonanimal tox-
26 icity test has less validity than the animal toxicity test.

1 (3) If a determination is made that a specific nonanimal
2 toxicity test is less valid than an animal toxicity test as
3 provided in subsection (2), the department or agency head shall
4 publish in the Michigan Register an explanation of all options
5 considered and the justification for continuing the animal toxic-
6 ity test.

7 Sec. 6. At least every 2 years, each department or agency
8 head, after considering the most recent technological advances
9 available, shall determine whether continued use of any animal
10 toxicity test is justified. If a department or agency head
11 determines that such a use is justified, then that department or
12 agency head shall publish in the Michigan Register an explanation
13 and justification for continued use, subject to public comment.