LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

CHAPTER 159

S.P. 391 - L.D. 1290

An Act To Amend the Statement of Purpose of the Maine Emergency Medical Services Act of 1982 To Include Emergency Responses That Do Not Require Transportation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §81-A, last ¶, as amended by PL 2007, c. 274, §1, is further amended to read:

It is the intent of the Legislature to designate that a central agency be responsible for the coordination and integration of all state activities concerning emergency medical services and the overall planning, evaluation, coordination, facilitation and regulation of emergency medical services systems. Further, the Legislature finds that the provision of prompt, efficient and effective emergency medical dispatch and emergency medical care, a well-coordinated trauma care system, effective communication between prehospital care providers and hospitals and the safe handling and transportation, and the treatment and nontransport under appropriate medical guidance, of the sick and injured are key elements of an emergency medical services system. This chapter is intended to promote the public health, safety and welfare by providing for the creation of a statewide emergency medical services system with standards for all providers of emergency medical services.

See title page for effective date.

CHAPTER 160

H.P. 1156 - L.D. 1551

An Act To Ban the Sale of Cosmetics That Have Been Tested on Animals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA c. 233 is enacted to read:

CHAPTER 233

SALE OF COSMETICS TESTED ON ANIMALS

§1500-M. Sale or offer for sale of cosmetics tested on animals

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cosmetic" means:

(1) An article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part of the body for cleansing, beautifying, promoting attractiveness or altering the appearance; and

(2) An article intended for use as a component of an article identified in subparagraph (1).

"Cosmetic" does not include soap.

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

C. "Cosmetic ingredient" has the same meaning as "ingredient," as defined in 21 Code of Federal Regulations, Section 700.3(e) (2021).

D. "Cosmetic product" means a cosmetic the manufacture of which has been completed.

E. "Manufacturer" means an entity that is a manufacturer required to specify conspicuously its name and place of business on the label of a cosmetic in package form pursuant to 21 Code of Federal Regulations, Section 701.12.

F. "Nonfunctional constituent" means an incidental ingredient listed in 21 Code of Federal Regulations, Section 701.3(l) (2021).

G. "Supplier" means an entity that provides, whether directly or through a 3rd party, a cosmetic ingredient used by a manufacturer in the formulation of a cosmetic product.

2. Prohibition on the sale or offer for sale of certain cosmetics. Notwithstanding any other provision of law to the contrary, a manufacturer may not sell or offer to sell in the 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 on or after November 1, 2021.

A county or any other political subdivision of the State may not establish or continue any prohibition on or relating to cosmetic animal testing that is not identical to the prohibitions in this section.

3. Exemptions. This section does not apply to:

A. Cosmetic animal testing:

(1) Conducted outside of the United States and in order to comply with a requirement of a foreign regulatory authority as long as 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 the State;

(2) Conducted for any cosmetic or cosmetic ingredient subject to regulation under Chapter V of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 351;

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

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent;

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

(c) There is a history of use of the ingredient outside of cosmetics at least 12 months prior to the reliance; or

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

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the International Organisation for Economic Co-operation and Development or its successor organization 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 is supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetic ingredient or nonfunctional constituent; and

(c) 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;

B. A cosmetic if the cosmetic in its final form was tested on animals before November 1, 2021, even if the cosmetic is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021;

C. A cosmetic ingredient if it was tested on animals before November 1, 2021, even if the ingredient is manufactured on or after that date as long as no new cosmetic animal testing in violation of this section occurred on or after November 1, 2021; or

D. A cosmetic manufacturer reviewing, assessing or retaining evidence from a cosmetic animal test.

4. Penalties. A manufacturer that sells or offers for sale a cosmetic in violation of subsection 2 commits a civil violation punishable by a fine of not more than $5,000 for the first day of the violation for selling or offering for sale that cosmetic and an additional fine of $1,000 for each day that the violation for selling or offering for sale that cosmetic continues.

5. Enforcement. A violation of this section may be enforced by the Attorney General or by the district attorney for the county in which the violation occurred. Notwithstanding any law to the contrary, all fines levied and collected for violations of this section, less court costs, must be distributed to the agency bringing the action that resulted in the fine. The State may bring an action in Superior Court to enjoin any manufacturer from violating this section, regardless of whether proceedings have been or may be instituted in the District Court or whether civil proceedings have been or may be instituted.

See title page for effective date.

CHAPTER 161

H.P. 984 - L.D. 1333

An Act Concerning the Controlled Substances Prescription Monitoring Program and the Dispensing of Naloxone Hydrochloride by Emergency Medical Services Providers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an increasing number of residents of Maine are dying as a result of opioid-related overdoses; and

Whereas, increasing naloxone hydrochloride distribution is critical to saving lives; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of