Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #22-a

January 20, 2026

S. 3457
A. 6871

By: Senator Gianaris
By: M. of A. Bores
Senate Committee: Health
Assembly Committee: Health
Effective Date: January 1, 2027

AN ACT to amend the public health law, in relation to human-relevant research funding for scientific testing on animals: and to amend the state finance law, in relation to establishing the promoting of ethical testing solutions fund

LAW AND SECTION REFERRED TO: Amends the Public Health Law by adding a new section 504-a, consisting of seven subsections; and amends the State Finance Law by adding a new Section 99-ss consisting of three subsections.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill adds new sections to the public health and the state finance laws to create a state fund called the Promoting Ethical Testing Solutions Fund (PETS Fund). The PETS Fund would award grants and loans to public and private entities located in New York to promote development of human-relevant alternatives to animal testing in scientific, medical, and product research. The PETS Fund would be administered under the joint control of the state comptroller and the Empire State Development Corporation (ESDC, Corporation) with regulatory participation by the State Health Department. The bill defines animals to "mean any living creature other than a human."

Under the bill each laboratory or institution in New York State would pay annual contributions to the Department of Health (Department) based on the number of vertebrate animals used in research, testing, or experimentation. The annual fees would range from $5000 for up to 500 vertebrates to $50,000 for more than 10,000 vertebrates. Entities that fail to pay fees might be subject to $1000 per day in civil penalties.[1] The three other sources of monies for the PETS Fund would be the fees collected under the act; money appropriated annually in the state budget; the

[1] This works out to a fee of less than $5 to $10 per year per animal. Considering the costs of care, acquisition, and breeding animals this is a minimal fee, as little as 0.00001.% or less of the $50,000 purchase price of a primate. For purchase price information see, e.g., U.S. Food and Drug Administration, "Roadmap to Reducing Animal Testing in Preclinical Safety Studies," April 10, 2025, at 2, fn 8, https://www.fda.gov/media/186092/download#:~:text=Initial%20focus%20on%20monoclonal%20antibody,chemical%20entities%20and%20medical%20countermeasures (last visited May 5, 2025).

Fund's interest earnings; and "any other monies from any other source accepted for the benefit of the fund." The bill would not apply to federal research facilities as defined in the Animal Welfare Act.[2]

The ESDC would run the PETS Fund grant and loan program. The ESCD would consider the research proposals' scientific, medical, and ethical implications. Recipients would enter into a memorandum of understanding (MOU) with the ESDC to "establish the state's scope of ownership or other financial interest in the commercialization and other benefits of the results, products, inventions, and discoveries resulting from" the research funded by the PETS Fund monies. The ESDC would make annual reports to state governmental leaders on the research conducted with PETS Fund money including animal tests the research would replace.

Part three of the bill adds new section 99-ss to the state finance law putting the PETS Fund under the joint custody of the state comptroller and commissioner of taxation and finance and requiring that its monies be spent solely to carry out the purposes of proposed Public Health Law section 504-a.

The shortcomings of animal testing have been recognized for more than 60 years.[3] Medications have proved dangerous, even fatal, to humans despite being tested first on animals. Conversely, medicines such as aspirin would never have been available to humans had only animals been tested.[4]

Developing human-relevant testing methods, often referred to as New Approach Methodologies or NAMs, is vital to develop safer, quicker, less expensive, and more ethical testing in medical, chemical, environmental, educational, industrial, and other fields. Common NAMs include *in silico*, *in vitro*, and AI-based testing methods.[5] Each method has consistently provided more human-relevant results than animal testing[6]. Without provisions discouraging the use of animals in testing, researchers might use NAMs while continuing to use animal testing.[7] The PETS Act's fees provide a degree of discouragement to help ensure the PETS Fund will have the desired ethical impact of improving animal wellbeing by reducing the use of animals in research.

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[2] 7 USC Sec 2132 (o) "The term "Federal research facility" means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation."

[3] American Bar Association Resolution 502, Feb. 5, 2024, *passim*, https://www.americanbar.org/content/dam/aba/administrative/tips/animal-law/res-502-2024.pdf (last visited May 5, 2025); FDA Roadmap, *passim*.

[4] ABA Resolution 502 Report, *passim*; FDA Roadmap, *passim*; https://www.tandfonline.com/doi/full/10.1080/17425255.2019.1652596; Bell, Jennifer, "Aspirin killed the cat: animal research models do not always apply to humans," *Expert Opinion on Drug Metabolism & Toxicology*, *15*(9), 683–685, Aug. 5, 2019, https://doi.org/10.1080/17425255.2019.1652596.

[5] For definitions and examples of these and other methods, see ABA Resolution 502 Report, *passim*, and FDA Road Map, *passim*.

[6] ABA Resolution 502 Report *passim*, and FDA Road Map *passim*; Aysha Akhtar, *The Flaws and Human Harms of Animal Experimentation*, 24 Cambridge Quarterly of Healthcare Ethics 407 (2015), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4594046/.

[7] This is referred to as the Lane-Petters effect, see Prof. Nico Müller, "Lane-Petter's Pipeline: Why decreasing animal research takes more than replacements," at Univ. of Helsinki Faculty of Law, Feb. 22, 2025, https://www.youtube.com/watch?v=iyBLs6se28k (last visited May 5, 2025).

On February 5, 2024 the American Bar Association (ABA) adopted Resolution 502 urging governments to replace and reduce animal testing and to reduce barriers and create incentives for NAMs in regulatory testing and federally sponsored research.[8] The ABA report accompanying the Resolution cites many well-referenced examples and benefits of human-relevant testing.[9] This bill exemplifies the goals of Resolution 502.

On April 10, 2025 the United States Food and Drug Administration (FDA) announced it would be "replacing animal testing in the development of monoclonal antibody therapies and other drugs with more effective, human-relevant methods."[10] FDA Commissioner Martin Makary described this as "a paradigm shift in drug evaluation [that] holds promise to accelerate cures and meaningful treatments for Americans while reducing animal use."[11] He said "[b]y leveraging AI-based computational modeling, human organ model-based lab testing and real world human data, we can get safer treatment to patients faster and more reliably, while also reducing R&D costs and drug prices. It is a win-win for public health and ethics."[12] The announcement was accompanied by an 11-page "Roadmap to Reducing Animal Testing in Preclinical Safety Studies," a well-documented report describing different NAMs, their efficacy, their beneficial ethical and economic impacts, and their overall superiority to animal testing.[13]

Under the new FDA regimen, passage of the PETS Act would appear to make the PETS Fund eligible to receive federal funds for grants and loans to research New York-based human-relevant testing.[14]

The PETS Act will help New York State achieve its goal of being a leader in bio-medical research and technology.[15] This bill would give New York a competitive advantage by helping New York researchers and companies bring products to market more quickly and less expensively than in other locations. The PETS Act has the potential to make New York a magnet for investment if the ESDC MOUs offer generous terms to the researchers. Adopting the PETS Act provides an opportunity to create an economic engine benefiting New York's public and private research entities, their employees, their communities, and the state's revenue coffers, all while developing valuable intellectual capital in an ethical manner.

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[8] ABA Resolution 502.
[9] ABA Resolution 502 Report, *passim*.
[10] FDA press release, Apr. 10, 2025, "FDA Announces Plan to Phase Out Animal Testing Requirement for Monoclonal Antibodies and Other Drugs," at 1; https://www.fda.gov/news-events/press-announcements/fda-announces-plan-phase-out-animal-testing-requirement-monoclonal-antibodies-and-other-drugs (last visited May 5, 2025).
[11] *Id*.
[12] *Id*.
[13] FDA Roadmap, *supra* note 1.
[14] *Id*. at 6-10.
[15] For example, see proceedings of 2023 ESDC conference on Bio-tech, particularly sessions such as "Opportunities for Entrepreneurship and Innovation in the Life Sciences Sector." https://www.nysedc.org/2023_nysedc_economic_developme.php and video of the ESDC Board of Directors Meeting, Nov. 21, 2024 at https://www.youtube.com/watch?v=GuxfAkuuw_k (last visited April 23, 2025).

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.