

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB998

Patron: Seibold

Bill Title: Menstrual supplies ingredient labeling; restriction of substances, civil penalty.

Bill Summary: Requires that each package or box containing menstrual supplies, as defined in the bill, contain a label of all ingredients that are included within such products when sold within the Commonwealth. Such label shall be displayed by the manufacturer in a manner that is visible and easy to understand for the consumer. The bill prohibits the use of certain restricted substances, including talc, lead, and mercury, in menstrual supplies. The bill further prohibits use of such restricted substances as a fragrance, flavoring, or colorant or other intentionally added ingredient in menstrual supplies.

The bill requires the Virginia Department of Health (VDH) to promulgate regulations establishing the lowest level of each restricted substance that can be feasibly achieved by manufacturers of menstrual products and to review and update such level every five years to determine whether such level should be lowered.

The bill provides that any person who violates such requirements is subject to a civil penalty not exceeding \$1,000 to be paid into the Breast and Cervical Cancer Prevention and Treatment Fund.

Budget Amendment Necessary: Indeterminate **Items Impacted:** None

Explanation: This statement assumes that VDH is only required to promulgate the necessary regulations and that no product inspections are required. Should VDH be expected to inspect menstrual supplies for compliance, then additional resources would be required. In addition, there is an indeterminate amount of civil penalties that may be generated.

Fiscal Summary: The workload associated with promulgating the required regulations can be absorbed within existing resources. However, additional staffing would be required if there is an expectation that VDH ensures regulatory compliance. In addition, there is an indeterminate amount of civil penalties that may be generated.

Fiscal Analysis: Any increase in workload to promulgate regulations can be handled within existing resources. The provisions of the legislation are silent on whether VDH must actively inspect menstrual supplies to check for compliance with state regulations. If the intent of the bill is for VDH to inspect such products, additional resources will be needed, which would include laboratory testing (indeterminate costs, as the Division of Consolidated Labs does not currently test menstrual or similar products), personnel to perform inspections and program coordination (approximately \$850,000 for seven positions), travel costs (cost indeterminate, as VDH would have to develop a list of all retailers that sell menstrual products), and database costs for the tracking of compliance and complaints (approximately \$450,000).

The bill may result in additional state revenues from civil penalties of up to \$1,000 per occurrence, which shall be paid into the Breast and Cervical Cancer Prevention and Treatment Fund. The magnitude of any such revenue is indeterminate, as it depends on the frequency of violations and enforcement actions.

Other: None