

HOUSE BILL NO. 998
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by

on _____)

(Patron Prior to Substitute—Delegate Seibold)

A BILL to amend the Code of Virginia by adding in Article 23 of Chapter 2 of Title 32.1 a section numbered 32.1-73.28:1, relating to menstrual supplies ingredient labeling; civil penalty.

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 23 of Chapter 2 of Title 32.1 a section numbered 32.1-73.28:1 as follows:

§ 32.1-73.28:1. Menstrual supplies ingredient labeling; civil penalty.

A. As used in this section:

"Confidential substance" means any element or substance that a manufacturer has added to menstrual supplies that have a functional or technical effect on the finished product, and for which a claim has been approved by the United States Environmental Protection Agency for inclusion on the confidential portion of the Toxic Substances Control Act Chemical Substance Inventory, as defined in (15 U.S.C. § 2601 et seq.), or for which the manufacturer of the menstrual supplies or the supplier of the substance claims protection under the federal Defend Trade Secrets Act (18 U.S.C. § 1836 et seq.), or products covered under the Generally Recognized as Safe designation of the United States Food and Drug Administration as provided for in 21 C.F.R. § 170.30.

"Ingredient" means any added substance that is present in menstrual supplies that has a functional or technical effect on the finished product, provided that the substance or the combination of substances is not considered a confidential substance.

"Label" means a display of written, printed, or graphic material on or affixed to a container in which the menstrual supplies are distributed.

"Menstrual supplies" means a product for use in connection with the menstrual cycle, including tampons, pads, and menstrual cups. Such products may be either disposable or reusable.

"Package or box containing menstrual supplies" shall not include packaging used exclusively for shipping purposes.

32 *B. Each package or box containing menstrual supplies sold within the Commonwealth shall contain a*
33 *label of all ingredients that are included within such supplies, with the ingredients within the menstrual*
34 *supplies listed in descending order of predominance. The label shall be displayed by the manufacturer in a*
35 *manner that is visible and easy for the consumer to understand. When required to make changes to the label*
36 *on menstrual supplies due to an ingredient addition or removal, the manufacturer shall make this change to*
37 *the label after making any such change to the ingredients. The provisions of this subsection shall not restrict*
38 *the continued sale of such menstrual supplies by a retailer of any existing inventory in stock before July 1,*
39 *2026.*

40 *C. The manufacturer of menstrual supplies shall post on its website the label pursuant to subsection B,*
41 *and also post information regarding a change to the label of menstrual supplies after making any such*
42 *change, addition, or removal. The manufacturer may use technologies including a digital link to*
43 *communicate information pursuant to this section.*

44 *D. A manufacturer of menstrual supplies sold within the Commonwealth shall not be required under this*
45 *section to disclose a confidential substance on a package or box or on its website. If a manufacturer declines*
46 *to disclose a confidential substance on a package or box containing menstrual supplies or on its website in*
47 *order to protect the identity of such a substance, the manufacturer shall include the confidential substance by*
48 *its common name with the label information required pursuant to subsection B.*

49 *E. The requirements of this section shall apply in addition to any other labeling requirements established*
50 *by any other provision of law.*

51 *F. Any person who violates the requirements of this section is subject to a civil penalty not to exceed*
52 *\$1,000. Such civil penalty shall be collected by the Commissioner and the proceeds shall be paid into the*
53 *Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.*