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HOUSE BILL NO. 998  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Health and Human Services  
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 products ingredient labeling; civil penalty.*

**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 products ingredient labeling; civil penalty.**

*A. As used in this section:*

*"Confidential substance" means any element or substance that a manufacturer has added to a menstrual product that serves a technical or functional purpose in the finished menstrual product and:*

*1. For which a claim has been approved by the U.S. Environmental Protection Agency for inclusion on the confidential portion of the Toxic Substances Control Act Chemical Substance Inventory, established pursuant to 15 U.S.C. § 2607(b) and 40 C.F.R. Part 710;*

*2. For which the manufacturer of the menstrual products or the supplier of the substance claims protection under the federal Defend Trade Secrets Act of 2016 (18 U.S.C. § 1836 et seq.); or*

*3. That is generally recognized as safe by the U.S. Food and Drug Administration pursuant to 21 C.F.R. § 170.30.*

*"Ingredient" means any intentionally added substance present in a menstrual product that serves a technical or functional purpose in 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 products are distributed.*

*"Menstrual product" means a disposable or reusable product manufactured for the purpose of catching menstruation and vaginal discharge, including a tampon, sanitary pad, disc, menstrual cup, and menstrual underwear.*

*"Package or box containing menstrual products" does not include packaging used exclusively for shipping purposes.*

*B. Each package or box containing menstrual products manufactured for sale or distribution within the*

33 *Commonwealth shall contain a label of all ingredients that are included within such menstrual products, with*  
34 *such ingredients listed in descending order of predominance. The label shall be displayed by the*  
35 *manufacturer in a manner that is visible and easy for the consumer to understand. A manufacturer that*  
36 *changes, adds, or removes an ingredient of a menstrual product shall make changes to the label required*  
37 *pursuant to this subsection reflecting such change, addition, or removal within 18 months of such change,*  
38 *addition, or removal. The provisions of this subsection shall not restrict the continued sale of menstrual*  
39 *products manufactured before January 1, 2027.*

40 *C. A manufacturer of menstrual products shall post on its website (i) the label information required to be*  
41 *disclosed on each package or box containing menstrual products pursuant to subsection B and (ii)*  
42 *information regarding any change to the label on a menstrual product required pursuant to subsection B*  
43 *after changing, adding, or removing an ingredient within six months of such change, addition, or removal.*  
44 *The manufacturer may use technologies, including a digital link, to communicate information pursuant to this*  
45 *section.*

46 *D. No manufacturer of menstrual products sold within the Commonwealth shall be required under this*  
47 *section to disclose a confidential substance on a package or box or on its website. If a manufacturer declines*  
48 *to disclose a confidential substance on a package or box containing menstrual products or on its website in*  
49 *order to protect the identity of such confidential substance, such manufacturer shall include such confidential*  
50 *substance by its common name with the label information required to be disclosed on each package or box*  
51 *containing menstrual products pursuant to subsection B.*

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

55 **2. That the provisions of this act shall become effective on January 1, 2027.**