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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 February 12, 2028)

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

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

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

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

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