WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 38

By Senator Beach

[Introduced January 12, 2022; referred
to the Committee on Health and Human Resources]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. Menstrual product labeling.

§47-29-1. Definitions.

For purposes of this section:

“Ingredient” means an intentionally added substance present in the menstrual product;

“Menstrual product” means products used for the purpose of catching menstruation and vaginal discharge, including, but not limited to, tampons, pads, and menstrual cups. These products may be either disposable or reusable.

§47-29-2. Plain and conspicuous list of ingredients.

No later than 18 months after this section becomes law, each package or box containing menstrual products sold in this state shall contain a plain and conspicuous printed list of all ingredients which shall be listed in order of predominance. The list shall either be printed on the package or affixed thereto.

§47-29-3. Labeling requirement in addition to other regulations.

The requirements of this article apply in addition to any other labeling requirements established pursuant to any other provision of law.

§47-29-4. Civil penalty.

Whenever a violation of this section has occurred, a civil penalty of one percent of the manufacturer’s total annual in-state sales not to exceed $50 per package or box shall be imposed on the manufacturer.

NOTE: The purpose of this bill is to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.