WEST virginia legislature

2023 regular session

Introduced

House Bill 2813

By Delegate Young

[Introduced January 19, 2023; Referred to the Committee on Health and Human Resources then the Judiciary]

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; providing for definitions; providing for a plain and conspicuous list of ingredients; creating labeling requirement in addition to other regulations; and providing for 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 require packaging of menstrual products sold in this state to contain a plain and conspicuous printed list of all ingredients listed in order of predominance. The bill also imposes a civil penalty for violations.

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