

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product
 3 labeling; providing for definitions; providing for a plain and conspicuous list of ingredients;
 4 creating labeling requirement in addition to other regulations; and providing for a civil
 5 penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. MENSTRUAL PRODUCT LABELING.

§47-29-1. Definitions.

1 For purposes of this section:
 2 "Ingredient" means an intentionally added substance present in the menstrual product;
 3 "Menstrual product" means products used for the purpose of catching menstruation and
 4 vaginal discharge, including, but not limited to, tampons, pads, and menstrual cups. These
 5 products may be either disposable or reusable.

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

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

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

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

§47-29-4. Civil penalty.

1 Whenever a violation of this section has occurred, a civil penalty of one percent of the
 2 manufacturer's total annual in-state sales not to exceed \$50 per package or box shall be imposed
 3 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.