

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1685 and 3854**

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill Nos. 1685 and 3854 ACS.

As amended by the committee, this bill requires every package or box of menstrual products that is sold or offered for sale in the State to include a label listing all of the ingredients contained in the menstrual product, with the ingredients listed in descending order of predominance within the menstrual product. The information is to be displayed in a manner that is conspicuous and easily understandable to consumers.

As amended, the bill establishes a civil penalty for menstrual product manufacturers that distribute to or otherwise offer for sale in New Jersey menstrual products in packaging that does not meet the labeling requirements established under the bill. The civil penalty will be equal to one percent of the manufacturer's total annual in-State sales of menstrual products for each noncompliant package or box, not to exceed \$1,000 per noncompliant package or box. The civil penalty will be collected by the Division of Consumer Affairs in the Department of Law and Public Safety in summary proceedings before a court of competent jurisdiction pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). As amended, the bill specifies that the civil penalty may not be assessed for a noncompliant package or box containing menstrual products that was manufactured prior to the effective date of the bill.

Under the bill, "menstrual product" is defined as a product used for the purpose of catching menstruation and vaginal discharge, including but not limited to a tampon, sanitary pad, disc, menstrual cup, and underwear. The term includes both disposable and reusable products. "Package or box containing menstrual products" is defined to mean menstrual products packaged for individual retail sale, and does not include packaging used exclusively for shipping purposes.

COMMITTEE AMENDMENTS:

The committee amendments revise the definition of “ingredient” from “a substance that is present in a menstrual product” to “an intentionally added substance that is present in a menstrual product.”

The committee amendments require that the ingredients listed on the product label be listed in descending order of prominence, rather than by percentage.

The committee amendments remove language making manufacturing a package or box of menstrual products that does not meet the requirements of the bill an unlawful practice and a violation of the consumer fraud act. As amended, the bill instead provides for a civil penalty equal to one percent of the manufacturer’s annual in-State sales of menstrual products for each noncompliant package or box, with the penalty capped at \$1,000 per noncompliant package or box.

The committee amendments add a provision specifying that civil penalties may not be assessed under the bill for a package or box containing menstrual products that was manufactured prior to the effective date of the bill.

The committee amendments add a definition of “package or box containing menstrual products” to provide that it means menstrual products packaged for individual retail sale, and does not include packaging used exclusively for shipping purposes.

The committee amendments revise the title of the bill to reflect these changes.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.