

STATE OF NEW YORK

2387--A

Cal. No. 459

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sens. PERSAUD, ADDABBO, BIAGGI, BOYLE, BRESLIN, CARLUCCI, GAUGHRAN, GOUNARDES, KAPLAN, KRUEGER, LIU, MARTINEZ, RIVERA, SALAZAR, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to menstrual product labeling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 399-aaaa to read as follows:

3 § 399-aaaa. Menstrual product labeling. 1. For purposes of this
4 section:

5 (a) "ingredient" shall mean a substance present in any quantity in the
6 menstrual product;

7 (b) "menstrual product" shall mean products used for the purpose of
8 catching menstruation and vaginal discharge, including but not limited
9 to tampons, pads, and menstrual cups. These products may be either
10 disposable or reusable.

11 2. No later than eighteen months after this section shall have become
12 a law, each package or box containing menstrual products sold in this
13 state shall contain a plain and conspicuous printed list of all ingredi-
14 ents with percentages of the components of the menstrual products. Such
15 list shall either be printed on the package or affixed thereto.

16 3. Manufacturers of such menstrual products shall also provide labels
17 for product dispensers which provide an individual with a single use
18 menstrual product, where the individual is not obtaining the menstrual
19 product in its original package or box.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. The requirements of this section shall apply in addition to any
2 other labeling requirements established pursuant to any other provision
3 of law.

4 5. Whenever a violation of this section has occurred, a civil penalty
5 of one percent of total annual in-state sales not to exceed up to one
6 thousand dollars per package or box shall be imposed on the manufactur-
7 er. Where the manufacturer has failed to provide a label for product
8 dispensers pursuant to subdivision three of this section, the manufac-
9 turer shall be in violation of this section and a civil penalty of one
10 percent of total annual in-state sales not to exceed up to one thousand
11 dollars shall be imposed.

12 § 2. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law. Effective immediately, the addition, amend-
14 ment and/or repeal of any rule or regulation necessary for the implemen-
15 tation of this act on its effective date are authorized to be made and
16 completed on or before such effective date.