

ASSEMBLY, No. 5639

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

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District 13 (Monmouth)

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SYNOPSIS

Requires menstrual products include ingredient list; requires toxic shock syndrome warnings be printed on tampon package.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 **AN ACT** concerning menstrual products and toxic shock syndrome,
2 and supplementing P.L.1960, c.39 (C.56:8-1 et. seq.).

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. For purposes of this act:

8 “Ingredient” means a substance that is present in any quantity in
9 a menstrual product.

10 “Menstrual product” means a product manufactured for the
11 purpose of catching menstruation and vaginal discharge, including
12 but not limited to a tampon, sanitary pad, disc, menstrual cup, and
13 underwear. The term shall include both disposable and reusable
14 products.

15

16 2. a. Every package or box containing menstrual products that
17 is sold or offered for sale in this State shall contain a label listing all
18 of the ingredients contained in the menstrual product and the
19 percentage of each ingredient. The information shall be printed on
20 or affixed to the outside of the package or box, and displayed in a
21 manner that stands alone and is bold, conspicuous, and easily
22 understandable to consumers.

23 b. Every package or box containing tampons that is sold or
24 offered for sale in this State shall contain a warning about the
25 dangers of toxic shock syndrome printed on the front of the package
26 or box. The warning shall be displayed in a manner that stands
27 alone and is bold, conspicuous, and easily understandable to
28 consumers. The warning shall include a safety alert symbol and the
29 signal word “DANGER.”

30 c. Every package or box containing tampons that is sold or
31 offered for sale in this State shall contain a warning about the
32 dangers of toxic shock syndrome printed on the side and the inside
33 flap of the package or box. The warning shall be displayed in a
34 manner that stands alone and is bold, conspicuous, and easily
35 understandable to consumers. The warning shall include the
36 following:

37 (1) a list of the warning signs of toxic shock syndrome;

38 (2) instructions on action to take if the warning signs appear,
39 including the need to remove the tampon at once and seek medical
40 attention immediately;

41 (3) information concerning the advisability of using tampons
42 with the minimum absorbency needed to control menstrual flow in
43 order to reduce the risk;

44 (4) information concerning avoiding the risk of getting tampon-
45 associated toxic shock syndrome by not using tampons, and
46 reducing the risk by using alternative menstrual products;

1 (5) information concerning the need to seek medical attention
2 before again using tampons if toxic shock syndrome warning signs
3 have occurred in the past, or if a consumer has any questions about
4 toxic shock syndrome or tampon use; and

5 (6) any other information required to be provided to consumers
6 in accordance with federal law or regulation.

7 d. It shall be an unlawful practice and a violation of P.L.1960,
8 c.39 (C.56:8-1 et seq.) to manufacture a package or box containing
9 menstrual products that does not meet the requirements of
10 subsection a. and subsection b. of this section.

11
12 3. The provisions of this act shall apply to menstrual products
13 manufactured on or after the effective date of this act.

14
15 4. This act shall take effect on the first day of the seventh
16 month next following the date of enactment.

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19 STATEMENT

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21 This bill requires menstrual products to include an ingredient list
22 and requires tampon packaging to contain printed warnings
23 concerning the risk of toxic shock syndrome.

24 Under the bill, every package or box containing menstrual
25 products that is sold or offered for sale in this State would be
26 required to contain a label listing all of the ingredients and the
27 percentage of each ingredient. The information would be printed on
28 or affixed to the package or box, and displayed in a manner that
29 stands alone, and is bold, conspicuous, and easily understandable to
30 consumers. "Menstrual products" are defined in the bill as products
31 manufactured for the purpose of catching menstruation and vaginal
32 discharge, including but not limited to a tampon, sanitary pad, disc,
33 menstrual cup, and underwear. The term also includes disposable
34 and reusable products.

35 The bill also provides that every package or box containing
36 tampons sold or offered for sale in this State would be required to
37 contain two warnings about the dangers of toxic shock syndrome,
38 displayed in a manner that stands alone and is bold, conspicuous,
39 and easily understandable to consumers. The first warning, to be
40 printed on the front of the package or box, would include a safety
41 alert symbol and the signal word "DANGER." The second
42 warning, to be printed on the side and inside flap of the box or
43 package, would include the following:

- 44 (1) a list of the warning signs of toxic shock syndrome;
45 (2) instructions on action to take if the warning signs appear,
46 including the need to remove the tampon at once and seek medical
47 attention immediately;

- 1 (3) information concerning the advisability of using tampons
- 2 with the minimum absorbency needed to control menstrual flow in
- 3 order to reduce the risk;
- 4 (4) information concerning avoiding the risk of getting tampon-
- 5 associated toxic shock syndrome by not using tampons, and
- 6 reducing the risk by using alternative menstrual products;
- 7 (5) information concerning the need to seek medical attention
- 8 before again using tampons if toxic shock syndrome warning signs
- 9 have occurred in the past, or if a consumer has any questions about
- 10 toxic shock syndrome or tampon use; and
- 11 (6) any other information required to be provided to consumers
- 12 in accordance with federal law or regulation.
- 13 A violation of the bill's provisions would be an unlawful practice
- 14 under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.). An
- 15 unlawful practice is punishable by a monetary penalty of not more
- 16 than \$10,000 for a first offense and not more than \$20,000 for any
- 17 subsequent offense. In addition, a violation can result in cease and
- 18 desist orders issued by the Attorney General, the assessment of
- 19 punitive damages, and the awarding of treble damages and costs to
- 20 the injured.