



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5915/1
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2023 ASSEMBLY BILL 1213

April 11, 2024 - Introduced by Representatives JACOBSON, MCGUIRE, PALMERI, SINICKI, RATCLIFF, BARE, SUBECK, MADISON, EMERSON and STUBBS, cosponsored by Senators AGARD, L. JOHNSON, LARSON and SPREITZER. Referred to Committee on Consumer Protection.

AN ACT *to create* 100.298 and 100.299 of the statutes; **relating to:** disclosure of and labeling requirements regarding certain ingredients in menstrual products.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection to develop and maintain a list of ingredients with certain human and environmental effects, including ingredients that are carcinogenic, cause reproductive or developmental toxicity, or are fragrance allergens. A manufacturer of a menstrual product sold or distributed in the state must disclose to DATCP any ingredient in the menstrual product that is included in the list developed by DATCP. DATCP must post the same information about the menstrual product's ingredients on its website, in an easily readable format, along with the health hazards associated with each ingredient.

The bill also prohibits a person from selling or offering for sale a menstrual product package unless it is labeled with all of the contained menstrual product's ingredients, including any ingredients included in the list developed or maintained by DATCP. The ingredients must be listed in order of descending weight and using the ingredient's common name or standardized nomenclature.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.298 of the statutes is created to read:

100.298 Menstrual product ingredient disclosure. (1) DEFINITIONS. In this section:

(a) “Fragrance ingredient” means an intentionally added substance or complex mixture of aroma chemicals, natural essential oils, and other functional ingredients present in a menstrual product for which the sole purpose is to impart an odor or scent or to counteract odor.

(b) “Ingredient” means a fragrance ingredient or other intentionally added substance or combination of substances present in a menstrual product.

(c) “Intentionally added” means a substance that serves a technical or functional purpose in a finished menstrual product.

(d) “Manufacturer” means one of the following:

1. A person that manufactures a menstrual product and whose name appears on the product label.

2. A person for whom the menstrual product is manufactured or distributed, as identified on the product label pursuant to the federal Fair Packaging and Label Act, 15 USC 1451, et seq.

(e) “Menstrual product” means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, and menstrual cups, whether disposable or reusable.

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(2) LIST OF INGREDIENTS. The department shall develop and maintain a list of ingredients that are any of the following:

- (a) Known or likely to cause cancer in humans.
- (b) Known to cause reproductive or developmental toxicity in humans.
- (c) Mutagens.
- (d) Endocrine disrupting.
- (e) Persistent, bioaccumulative, and toxic.
- (f) Respiratory sensitizers.
- (g) Neurotoxicants.
- (h) Toxic air contaminants.
- (i) Fragrance allergens.

(3) REQUIRED MANUFACTURER DISCLOSURE. A manufacturer of a menstrual product sold or distributed in the state shall disclose to the department any ingredient present in the menstrual product that is included in the list under sub. (2). A manufacturer shall disclose to the department any change to the ingredients of a menstrual product no later than one month after the change of the ingredients.

(4) REQUIRED MANUFACTURER WEBSITE POSTING. A manufacturer of a menstrual product sold or distributed in the state shall post on its website in an electronically readable format the ingredient information required to be labeled on the menstrual product package under s. 100.299 (2). If a menstrual product's ingredient information changes, the manufacturer of the menstrual product shall revise its website posting required under this subsection with the updated menstrual product ingredient information no later than 6 months after the change

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of ingredient information unless a later effective date for the revision is approved by the department.

(5) REQUIRED DEPARTMENT WEBSITE POSTING. The department shall post on its website, in an easily readable format, all of the following information related to a menstrual product disclosed pursuant to sub. (3):

(a) A list of all ingredients in the menstrual product that are included on the list under sub. (2) and required to be disclosed pursuant to sub. (3).

(b) The health hazards associated with each ingredient.

SECTION 2. 100.299 of the statutes is created to read:

100.299 Labeling of menstrual product ingredients. (1) DEFINITIONS.

In this section:

(a) “Menstrual product” has the meaning under s. 100.298 (1) (e).

(b) “Menstrual product package” means a container in which a menstrual product is enclosed for retail sale.

(2) PROHIBITED SALE UNLESS LABELED. (a) No person may sell or offer for sale a menstrual product package unless it is conspicuously labeled with an accurate list of all the ingredients present in the menstrual product, including any ingredients included in a list developed or maintained by the department under s. 100.298. The labelling required under this paragraph shall list all of the ingredients of the menstrual product in order of predominance by weight, except that ingredients present at a weight below one percent may be listed in any order following the ingredients that are present at a weight at or above one percent. The labelling required under this paragraph shall list all ingredients using the common chemical

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name of the ingredient, the name for the ingredient established by the Center for Baby and Adult Hygiene Products, or standardized nomenclature for the ingredient including that from the International Nomenclature of Cosmetic Ingredients or the Household Commercial Products Association's Consumer Product Ingredient Dictionary.

(b) No person may sell or offer for sale a menstrual product package if it is labeled with an out-of-date or inaccurate list of ingredients due to a change to the ingredients of the menstrual product that occurred after the effective date of this subsection [LRB inserts date], unless the out-of-date or inaccurately labeled menstrual product package was manufactured within 18 months of the change to the menstrual product ingredients.

SECTION 3. Initial applicability.

(1) The treatment of s. 100.298 (3) and (5) first applies to a menstrual product manufactured on July 1, 2025, for sale or distribution in this state.

SECTION 4. Effective date.

(1) The treatment of ss. 100.298 (4) and 100.299 takes effect on July 1, 2025.

(END)