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SECOND REPRINT

A.B. 169

ASSEMBLY BILL NO. 169—ASSEMBLYWOMEN GORELOW, BILBRAY-AXELROD, THOMAS, GONZÁLEZ; ANDERSON, BROWN-MAY, DURAN, PETERS AND SUMMERS-ARMSTRONG

FEBRUARY 15, 2023

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP, KRASNER, LANGE, NGUYEN, SEEVERS GANSERT, SPEARMAN AND TITUS

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the labeling of feminine hygiene products. (BDR 51-617)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to feminine hygiene products; defining certain terms relating to the labeling of feminine hygiene products; requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; providing certain requirements for the revision of a list of ingredients in a feminine hygiene product; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes certain provisions relating to the labeling of certain
2 foods, drugs, devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill:
3 (1) requires, with certain exceptions, each package or box containing a feminine
4 hygiene product that is manufactured on or after January 1, 2025, for sale or
5 distribution in this State to bear a label containing a plain and conspicuous list of all
6 ingredients in the feminine hygiene product; (2) requires the ingredients identified



7 on such label to be listed in order of predominance by weight and identified by
8 using standardized nomenclature or by the name established by the Center for Baby
9 and Adult Hygiene Products, unless the ingredient is confidential business
10 information; (3) if the ingredient is confidential business information, authorizes
11 the ingredient to be identified by its common name; and (4) requires, if a
12 manufacturer has an Internet website, the manufacturer to post the list of
13 ingredients on the Internet website of the manufacturer. **Section 3.5** of this bill
14 requires, with certain exceptions, a manufacturer to revise the list of ingredients on
15 the label of a feminine hygiene product not later than: (1) for a label on a package
16 or box containing a feminine hygiene product, 18 months after the change to an
17 ingredient, the addition of an ingredient or the revision of a designated list; and (2)
18 for a list of ingredients posted on the Internet website of the manufacturer, 6
19 months after the change to an ingredient, the addition of an ingredient or the
20 revision of a designated list. **Sections 1.3-2.9** of this bill define certain terms related
21 to the labeling of feminine hygiene products.

22 Existing law provides that a violation of any provision of chapter 585 of NRS
23 relating to the labeling of certain foods, drugs, devices and cosmetics is a gross
24 misdemeanor, except for certain violations of the chapter that are punishable as a
25 category D felony. (NRS 585.550) A violation of **section 3 or 3.5** is also a gross
26 misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 585 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.1 to 3.5, inclusive, of
3 this act.

4 **Sec. 1.1.** *As used in sections 1.1 to 3.5, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 1.3 to 2.9, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 1.3.** 1. *“Confidential business information” means an*
9 *intentionally added ingredient or combination of ingredients for*
10 *which:*

11 *(a) A claim has been approved by the Administrator of the*
12 *United States Environmental Protection Agency for inclusion on*
13 *the Toxic Substances Control Act confidential Chemical*
14 *Substance Inventory pursuant to 15 U.S.C. § 2607(b); or*

15 *(b) The manufacturer or supplier claims is a trade secret, as*
16 *that term is defined in NRS 600A.030.*

17 2. *The term does not include:*

18 *(a) An intentionally added ingredient or combination of*
19 *ingredients that is on a designated list; or*

20 *(b) A fragrance allergen included on Annex III of the*
21 *European Union Cosmetics Regulation No. 1223/2009, as that*
22 *regulation existed on January 20, 2023, if the fragrance allergen*
23 *is present in a feminine hygiene product at a concentration at or*
24 *above 0.001 percent or 10 parts per million.*



1 **Sec. 1.5.** *“Designated list” means any of the following, in the*
2 *form most recently published:*

3 1. *Chemicals for which a reference dose or reference*
4 *concentration has been developed based on neurotoxicity in the*
5 *Integrated Risk Information System maintained by the United*
6 *States Environmental Protection Agency.*

7 2. *Chemicals identified as carcinogenic to humans, likely to*
8 *be carcinogenic to humans, or as Group A, B1 or B2 carcinogens*
9 *in the Integrated Risk Information System maintained by the*
10 *United States Environmental Protection Agency.*

11 3. *Neurotoxics that are identified in the Toxic Substances*
12 *Portal of the Agency for Toxic Substances and Disease Registry of*
13 *the United States Department of Health and Human Services.*

14 4. *Persistent bioaccumulative and toxic priority chemicals*
15 *that are identified in the United States Environmental Protection*
16 *Agency’s National Waste Minimization Program.*

17 5. *Reproductive or developmental toxicants identified in*
18 *monographs on the Potential Human Reproductive and*
19 *Developmental Effects published by the National Toxicology*
20 *Program.*

21 6. *Chemicals identified on the Toxics Release Inventory*
22 *maintained by the United States Environmental Protection Agency*
23 *as persistent, bioaccumulative and toxic that are subject to the*
24 *reporting requirements pursuant to section 313 of the Emergency*
25 *Planning and Community Right-to-Know Act of 1986, 42 U.S.C.*
26 *§§ 11001 et seq.*

27 7. *Chemicals that are identified as known to be, or reasonably*
28 *anticipated to be, human carcinogens by the 15th Report on*
29 *Carcinogens published by the National Toxicology Program.*

30 8. *Chemicals that are identified as priority pollutants in the*
31 *Nevada water quality control plans pursuant to 33 U.S.C. § 1341*
32 *or identified as pollutants by this State or the United States*
33 *Environmental Protection Agency for one or more bodies of water*
34 *in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.*

35 **Sec. 2.** *“Feminine hygiene product” means any product used*
36 *for the purpose of catching menstruation and vaginal discharge,*
37 *including, without limitation, tampons, pads and menstrual cups,*
38 *whether disposable or reusable.*

39 **Sec. 2.1.** *“Fragrance ingredient” means an intentionally*
40 *added substance or complex mixture of aroma chemicals, natural*
41 *essential oils and other functional ingredients present in a*
42 *feminine hygiene product for which the sole purpose is to impart*
43 *an odor or scent, or to counteract an odor, and is:*

44 1. *Present in a feminine hygiene product at a concentration*
45 *at or above 0.01 percent or 100 parts per million based on the total*



1 *amount of the substance as a percentage of the total weight of the*
2 *feminine hygiene product;*

3 2. *Included on a designated list; or*

4 3. *A fragrance allergen included on Annex III of the*
5 *European Union Cosmetics Regulation No. 1223/2009, as that*
6 *regulation existed on January 20, 2023, if the fragrance allergen*
7 *is present in the feminine hygiene product at a concentration at or*
8 *above 0.001 percent or 10 parts per million based on the total*
9 *amount of the fragrance allergen as a percentage of the total*
10 *weight of the feminine hygiene product.*

11 **Sec. 2.3.** *“Ingredient” means a fragrance ingredient or other*
12 *intentionally added substance or combination of substances in a*
13 *feminine hygiene product, unless the intentionally added*
14 *substance or combination of substances is confidential business*
15 *information.*

16 **Sec. 2.6.** *“Intentionally added” means a substance that*
17 *serves a technical or functional purpose in the finished feminine*
18 *hygiene product.*

19 **Sec. 2.9.** *“Manufacturer” means a person or entity:*

20 1. *That manufacturers feminine hygiene products and whose*
21 *name appears on the product label; or*

22 2. *For whom the product is manufactured or distributed, as*
23 *identified on the product label pursuant to the Fair Packaging and*
24 *Labeling Act, 15 U.S.C. §§ 1451 et seq.*

25 **Sec. 3.** 1. *Except as otherwise provided in this subsection,*
26 *each package or box containing a feminine hygiene product that is*
27 *manufactured on or after January 1, 2025, for sale or distribution*
28 *in this State must bear a label containing a plain and conspicuous*
29 *list of all ingredients in the feminine hygiene product. Reasonable*
30 *variations shall be permitted, and exemptions as to a small*
31 *package shall be established by regulations prescribed by the*
32 *Commissioner.*

33 2. *On the list of ingredients required pursuant to subsection*
34 *1, the ingredients must be:*

35 (a) *Listed in order of predominance by weight unless the*
36 *weight of the ingredient is 1 percent or less. If the weight of an*
37 *ingredient is less than 1 percent, the ingredient may be listed in*
38 *any order following the other ingredients.*

39 (b) *Except as otherwise provided in this section, identified*
40 *using standardized nomenclature, including, without limitation,*
41 *the International Nomenclature of Cosmetic Ingredients, the*
42 *Consumer Product Ingredients Dictionary published by the*
43 *Household and Commercial Products Association or the common*
44 *name of the chemical. If the ingredient does not have a*
45 *standardized nomenclature, the ingredient must be identified*



1 *using the name established by the Center for Baby and Adult*
2 *Hygiene Products.*

3 *3. If an ingredient is confidential business information, the*
4 *ingredient may be identified on the list of ingredients required*
5 *pursuant to subsection 1 by its common name.*

6 *4. If a manufacturer has an Internet website, the list of*
7 *ingredients that is required pursuant to subsection 1 must be*
8 *posted on the Internet website of the manufacturer.*

9 *5. Nothing in this section prohibits a manufacturer from*
10 *using technology, including, without limitation, a link to an*
11 *Internet website, to communicate the information required by this*
12 *section.*

13 **Sec. 3.5.** *A manufacturer must revise the list of ingredients*
14 *on the label of a feminine hygiene product pursuant to section 3 of*
15 *this act not later than:*

16 *1. For the label on a package or box containing a feminine*
17 *hygiene product, 18 months after the change to an ingredient, the*
18 *addition of an ingredient or the revision of a designated list, unless*
19 *the designated list becomes effective at a later date.*

20 *2. For a list of ingredients posted on the Internet website of*
21 *the manufacturer, 6 months after the change to an ingredient, the*
22 *addition of an ingredient or the revision of a designated list, unless*
23 *the designated list becomes effective at a later date.*

24 **Sec. 4.** (Deleted by amendment.)

25 **Sec. 5.** 1. This section becomes effective upon passage and
26 approval.

27 2. Sections 1 to 4, inclusive, of this act become effective:

28 (a) Upon passage and approval for the purpose of adopting any
29 regulations and performing any other preparatory administrative
30 tasks that are necessary to carry out the provisions of this act; and

31 (b) On January 1, 2024, for all other purposes.

