

Amendment No. 611

Senate Amendment to Assembly Bill No. 169 First Reprint	(BDR 51-617)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SLD/HAC



Date: 5/20/2023

A.B. No. 169—Revises provisions governing the labeling of feminine hygiene products. (BDR 51-617)



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, ~~AND~~ 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.

~

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 foods, drugs,
2 devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill: (1) requires, with certain
3 exceptions, each package or box containing a feminine hygiene product that is manufactured
4 on or after January 1, 2025, for sale or distribution in this State to bear a label containing a
5 plain and conspicuous list of all ingredients in the feminine hygiene product; (2) requires the
6 ingredients identified on such label to be listed in order of predominance by weight and
7 identified by using standardized nomenclature, ~~or~~ **or by the name established by the Center**
8 **for Baby and Adult Hygiene Products**, unless the ingredient is confidential business
9 information; (3) if the ingredient is confidential business information, authorizes the
10 ingredient to be identified by its common name; and (4) requires, if a manufacturer has an
11 Internet website, the manufacturer to post the list of ingredients on the Internet website of the
12 manufacturer. **Section 3.5** of this bill requires, with certain exceptions, a manufacturer to
13 revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a
14 label on a package or box containing a feminine hygiene product, 18 months after the change

15 to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a
16 list of ingredients posted on the Internet website of the manufacturer, 6 months after the
17 change to an ingredient, the addition of an ingredient or the revision of a designated list.
18 **Sections 1.3-2.9** of this bill define certain terms related to the labeling of feminine hygiene
19 products.

20 Existing law provides that a violation of any provision of chapter 585 of NRS relating to
21 the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for
22 certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A
23 violation of **section 3 or 3.5** is also a gross 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 thereto the
2 provisions set forth as sections 1.1 to 3.5, inclusive, of this act.

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

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

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

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

14 2. *The term does not include:*

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

17 (b) *A fragrance allergen included on Annex III of the European Union*
18 *Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20,*
19 *2023, if the fragrance allergen is present in ~~the~~ a feminine hygiene product at a*
20 *concentration at or above 0.001 percent or 10 parts per million.*

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

23 1. *Chemicals for which a reference ~~does~~ dose or reference concentration*
24 *has been developed based on neurotoxicity in the Integrated Risk Information*
25 *System maintained by the United States Environmental Protection Agency.*

26 2. *Chemicals identified as carcinogenic to humans, likely to be*
27 *carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated*
28 *Risk Information System maintained by the United States Environmental*
29 *Protection Agency.*

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

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

36 5. *Reproductive or developmental toxicants identified in monographs on the*
37 *Potential Human Reproductive and Developmental Effects published by the*
38 *National Toxicology Program.*

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

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

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

13 ~~9. Chemicals that are identified with noncancer endpoints and listed with~~
14 ~~an inhalation or oral reference exposure level by the California Office of~~
15 ~~Environmental Health Hazard Assessment pursuant to Cal. Health & Safety~~
16 ~~Code § 44360(b)(2).]~~

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

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

24 1. Present in a feminine hygiene product at a concentration at or above 0.01
25 percent or 100 parts per million based on the total amount of the substance as a
26 percentage of the total weight of the feminine hygiene product;

27 2. Included on a designated list; or

28 3. A fragrance allergen included on Annex III of the European Union
29 Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20,
30 2023, if the fragrance allergen is present in the feminine hygiene product at a
31 concentration at or above 0.001 percent or 10 parts per million based on the total
32 amount of the fragrance allergen as a percentage of the total weight of the
33 feminine hygiene product.

34 Sec. 2.3. “Ingredient” means ~~[an ingredient for]~~ a fragrance ingredient or
35 other intentionally added substance or combination of substances in a feminine
36 hygiene product, unless the intentionally added substance or combination of
37 substances is confidential business information.

38 Sec. 2.6. “Intentionally added” means a substance that serves a technical
39 or functional purpose in the finished feminine hygiene product.

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

41 1. That manufactures feminine hygiene products and whose name appears
42 on the product label; or

43 2. For whom the product is manufactured or distributed, as identified on
44 the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§
45 1451 et seq.

46 Sec. 3. 1. Except as otherwise provided in this subsection, each package
47 or box containing a feminine hygiene product that is manufactured on or after
48 January 1, 2025, for sale or distribution in this State must bear a label containing
49 a plain and conspicuous list of all ingredients in the feminine hygiene product.
50 Reasonable variations shall be permitted, and exemptions as to a small package
51 shall be established by regulations prescribed by the Commissioner.

52 2. On the list of ingredients required pursuant to subsection 1, the
53 ingredients must be:

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

4 (b) Except as otherwise provided in this ~~paragraph,~~ section, identified using
5 standardized nomenclature, including, without limitation, the International
6 Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients
7 Dictionary published by the Household and Commercial Products Association or
8 the common name of the chemical. If the ingredient does not have a standardized
9 nomenclature, the ingredient must be identified using the name established by the
10 Center for Baby and Adult Hygiene Products.

11 3. If ~~the~~ an ingredient is confidential business information, the ingredient
12 may be identified on the list of ingredients required pursuant to subsection 1 by
13 its common name.

14 ~~3.1~~ 4. If a manufacturer has an Internet website, the list of ingredients that
15 is required pursuant to subsection 1 must be posted on the Internet website of the
16 manufacturer.

17 5. Nothing in this section prohibits a manufacturer from using technology,
18 including, without limitation, a link to an Internet website, to communicate the
19 information required by this section.

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

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

26 2. For a list of ingredients posted on the Internet website of the
27 manufacturer, 6 months after the change to an ingredient, the addition of an
28 ingredient or the revision of a designated list, unless the designated list becomes
29 effective at a later date.

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

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

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

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

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