

# ASSEMBLY, No. 3854

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman SADAF F. JAFFER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblyman Stanley, Assemblywomen McKnight, Speight and DeFuccio**

**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: 9/29/2022)**

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;

47 (5) information concerning the need to seek medical attention  
48 before again using tampons if toxic shock syndrome warning signs

1 have occurred in the past, or if a consumer has any questions about  
2 toxic shock syndrome or tampon use; and

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

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

9  
10 3. The provisions of this act shall apply to menstrual products  
11 manufactured on or after the effective date of this act.

12  
13 4. This act shall take effect on the first day of the seventh  
14 month next following the date of enactment.

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#### STATEMENT

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

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

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

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

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

46 (3) information concerning the advisability of using tampons  
47 with the minimum absorbency needed to control menstrual flow in  
48 order to reduce the risk;

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

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

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

10 A violation of the bill's provisions would be an unlawful practice  
11 under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.). An  
12 unlawful practice is punishable by a monetary penalty of not more  
13 than \$10,000 for a first offense and not more than \$20,000 for any  
14 subsequent offense. In addition, a violation can result in cease and  
15 desist orders issued by the Attorney General, the assessment of  
16 punitive damages, and the awarding of treble damages and costs to  
17 the injured.