

HB0442S01

inserted text shows text that was not in HB0442S01 but was inserted into HB0442S02

1

Feminine Hygiene Products Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor:

This bill provides a special effective date.

HB0442S01 compared with HB0442S02

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269

13-2-1 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 468

ENACTS:

13-82-101 (Effective 05/06/26), Utah Code Annotated 1953

13-82-201 (Effective 05/06/26), Utah Code Annotated 1953

13-82-301 (Effective 05/06/26), Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-2-1** is amended to read:

13-2-1. (Effective 05/06/26) (Superseded 07/01/26) Consumer protection division established -- Functions.

(1) There is established within the Department of Commerce the Division of Consumer Protection.

(2) The division shall administer and enforce the following:

(a) Chapter 10a, Music Licensing Practices Act;

(b) Chapter 11, Utah Consumer Sales Practices Act;

(c) Chapter 15, Business Opportunity Disclosure Act;

(d) Chapter 20, New Motor Vehicle Warranties Act;

(e) Chapter 21, Credit Services Organizations Act;

(f) Chapter 22, Charitable Solicitations Act;

(g) Chapter 23, Health Spa Services Protection Act;

(h) Chapter 25a, Telephone and Facsimile Solicitation Act;

(i) Chapter 26, Telephone Fraud Prevention Act;

(j) Chapter 28, Prize Notices Regulation Act;

(k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

(l) Chapter 34, Utah Postsecondary School and State Authorization Act;

(m) Chapter 41, Price Controls During Emergencies Act;

(n) Chapter 42, Uniform Debt-Management Services Act;

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- 51 (o) Chapter 49, Immigration Consultants Registration Act;
52 (p) Chapter 51, Transportation Network Company Registration Act;
53 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
54 (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
55 (s) Chapter 54, Ticket Website Sales Act;
56 (t) Chapter 56, Ticket Transferability Act;
57 (u) Chapter 57, Maintenance Funding Practices Act;
58 (v) Chapter 61, Utah Consumer Privacy Act;
59 (w) Chapter 64, Vehicle Value Protection Agreement Act;
60 (x) Chapter 65, Utah Commercial Email Act;
61 (y) Chapter 67, Online Dating Safety Act;
62 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
63 (aa) Chapter 70, Automatic Renewal Contracts Act;
64 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
65 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health; [and]
66 (dd) Chapter 78, Earned Wage Access Services Act[-] ; and
67 (ee) Chapter 82, Feminine Hygiene Products.
68 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
make rules to establish:
70 (a) a public list that identifies a person that:
71 (i) violates a chapter described in Subsection (2);
72 (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal
process issued by:
74 (A) the division; or
75 (B) a court of competent jurisdiction; or
76 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar
instrument signed by the person and the division; and
78 (b) a process by which a person may be removed from the list the division establishes as described in
Subsection (3)(a).
80 Section 2. Section **13-2-1** is amended to read:
81 **13-2-1. (Effective 07/01/26)Consumer protection division established -- Functions.**

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- 83 (1) There is established within the Department of Commerce the Division of Consumer Protection.
- 85 (2) The division shall administer and enforce the following:
- 86 (a) Chapter 10a, Music Licensing Practices Act;
- 87 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 88 (c) Chapter 15, Business Opportunity Disclosure Act;
- 89 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 90 (e) Chapter 21, Credit Services Organizations Act;
- 91 (f) Chapter 22, Charitable Solicitations Act;
- 92 (g) Chapter 23, Health Spa Services Protection Act;
- 93 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 94 (i) Chapter 26, Telephone Fraud Prevention Act;
- 95 (j) Chapter 28, Prize Notices Regulation Act;
- 96 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information
Act;
- 98 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 99 (m) Chapter 41, Price Controls During Emergencies Act;
- 100 (n) Chapter 42, Uniform Debt-Management Services Act;
- 101 (o) Chapter 49, Immigration Consultants Registration Act;
- 102 (p) Chapter 51, Transportation Network Company Registration Act;
- 103 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 104 (r) Chapter 53, Residential, Vocational [~~or~~] and Life Skills Program Act;
- 105 (s) Chapter 54, Ticket Website Sales Act;
- 106 (t) Chapter 56, Ticket Transferability Act;
- 107 (u) Chapter 57, Maintenance Funding Practices Act;
- 108 (v) Chapter 61, Utah Consumer Privacy Act;
- 109 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 110 (x) Chapter 65, Utah Commercial Email Act;
- 111 (y) Chapter 67, Online Dating Safety Act;
- 112 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 113 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 114 (bb) Chapter 71, Utah Minor Protection in Social Media Act;

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- (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
(dd) Chapter 78, Earned Wage Access Services Act; [and]
(ee) Chapter 81, Utah Digital Choice Act[-] ; and
(ff) Chapter 82, Feminine Hygiene Products.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to establish:
- (a) a public list that identifies a person that:
- (i) violates a chapter described in Subsection (2);
- (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal process issued by:
- (A) the division; or
- (B) a court of competent jurisdiction; or
- (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar instrument signed by the person and the division; and
- (b) a process by which a person may be removed from the list the division establishes as described in Subsection (3)(a).

Section 3. Section 3 is enacted to read:

13-82-101. Definitions.

82. Feminine Hygiene Products

1. General Provisions

As used in this section:

- (1) "Chemical" means:
- (a) lead;
- (b) cadmium;
- (c) arsenic; {or}
- (d) dioxin; or
- (d){(e)} PFAS.
- (2)
- (a) "Confidential business information" means an intentionally added ingredient or combination of intentionally added ingredients for which:

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(i) the Administrator of the United States Environmental Protection Agency has approved a claim for inclusion on the confidential portion of the Toxic Substances Control Act Chemical Substance Inventory in accordance with 15 U.S.C. Sec. 2607(b); or

(ii) the manufacturer claims is a trade secret, as that term is defined in Section 13-24-2, in accordance with Title 13, Chapter 24, Uniform Trade Secrets Act.

(b) "Confidential business information" does not include a chemical.

(3) "Covered substance" means a chemical or an intentionally added ingredient.

(4) "Division" means the Division of Consumer Protection established in Section 13-2-1.

(5) "Intentionally added ingredient" means a substance or combination of substances in a menstrual product that serves a technical or functional purpose in the finished hygiene product.

(6) "Manufacturer" means a manufacturer of a menstrual product sold, offered for sale, or distributed in the state.

(7) "Menstrual product" means, whether disposable or reusable:

(a) a tampon;

(b) a sanitary napkin;

(c) a menstrual cup; or

(d) another similar product designed for hygiene in connection with the human menstrual cycle.

(8) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a substance that is a member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Section 4. Section 4 is enacted to read:

13-82-201. Feminine hygiene products -- Labeling.

2. Requirements and Prohibited Practices

(1) Beginning December 1, 2027, a manufacturer shall include a label on the package of the menstrual product manufactured on or after December 1, 2027, that lists each covered substance.

(2)

(a) The label described in Subsection (1) shall:

(i) except as provided in Subsection (2)(b), list each covered substance in order of predominance by weight as a percentage of the weight of the menstrual product;

(ii) include in the list of covered substances a covered substance that is 0% or more of the weight of the menstrual product;

(iii) be in a conspicuous location on the outside packaging of the menstrual product;

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- 178 (iv) be in legible type; and
- 179 (v) comply with rules the division makes in accordance with this section, if any.
- 180 (b) If the weight of a covered substance is less than 1% of the weight of the menstrual product, the
covered substance may be listed in any order following the other covered substances listed as
described in Subsection (2)(a).
- 183 (3) Nothing in this section prohibits a manufacturer from using technology, including a link to an
internet website, to provide the information required under Subsections (1) and (2) for a covered
substance that is not a chemical.
- 186 (4)
- (a) This section may not be construed to require a manufacturer to disclose confidential business
information on the package of a menstrual product or on the manufacturer's website.
- 189 (b) If an intentionally added ingredient is confidential business information, the intentionally added
ingredient may be listed as described in this section by the intentionally added ingredient's common
name.
- 192 (5) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to establish additional requirements for the label described in Subsection (1).
- 196 Section 5. Section 5 is enacted to read:
- 198 **13-82-301. Administration and enforcement -- Powers -- Legal counsel -- Fees.**
3. Enforcement
- 199 (1) The division shall administer and enforce the provisions of this chapter in accordance with Chapter
2, Division of Consumer Protection.
- 201 (2)
- (a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:
- 203 (i) the division director may impose an administrative fine of up to \$2,500 for each violation of this
chapter; and
- 205 (ii) the division may bring an action in a court of competent jurisdiction to enforce a provision of
this chapter.
- 207 (b) In a court action by the division to enforce a provision of this chapter, the court may:
- 208 (i) declare that an act or practice violates a provision of this chapter;
- 209 (ii) issue an injunction for a violation of this chapter;
- 210 (iii) order disgorgement of any money received in violation of this chapter;

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- 211 (iv) order payment of disgorged money to an injured purchaser or consumer;
212 (v) impose a fine of up to \$2,500 for each violation of this chapter; or
213 (vi) award any other relief that the court deems reasonable and necessary.
214 (3) If a court of competent jurisdiction grants judgment or injunctive relief to the division, the court
shall award the division:
216 (a) reasonable attorney fees;
217 (b) court costs; and
218 (c) investigative fees.
219 (4)
(a) A person who violates an administrative or court order issued for a violation of this chapter is
subject to a civil penalty of no more than \$5,000 for each violation.
221 (b) A civil penalty authorized under this section may be imposed in any civil action brought by the
division.
223 (5) All money received for the payment of a fine or civil penalty imposed under this section shall be
deposited into the Consumer Protection Education and Training Fund created in Section 13-2-8.
227 Section 6. **Effective date.**
Effective Date.
227 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
228 (2) The actions affecting Section 13-2-1 (Effective 07/01/26) take effect on July 1, 2026.

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