

HB0442S02

inserted text shows text that was not in HB0442S02 but was inserted into HB0442S05

1 **Feminine Hygiene Products Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Kristen Chevrier
Senate Sponsor:

Money Appropriated in this Bill:

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None

Other Special Clauses:

This bill provides a special effective date.

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13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269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

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- 49 (m) Chapter 41, Price Controls During Emergencies Act;
50 (n) Chapter 42, Uniform Debt-Management Services Act;
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; ~~[-{f}]~~ 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).

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

13-2-1. 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;
 - (o) Chapter 49, Immigration Consultants Registration Act;
 - (p) Chapter 51, Transportation Network Company Registration Act;
 - (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
 - (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
 - (s) Chapter 54, Ticket Website Sales Act;
 - (t) Chapter 56, Ticket Transferability Act;
 - (u) Chapter 57, Maintenance Funding Practices Act;
 - (v) Chapter 61, Utah Consumer Privacy Act;
 - (w) Chapter 64, Vehicle Value Protection Agreement Act;
 - (x) Chapter 65, Utah Commercial Email Act;
 - (y) Chapter 67, Online Dating Safety Act;
 - (z) Chapter 68, Lawyer Referral Consultants Registration Act;

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- 113 (aa) Chapter 70, Automatic Renewal Contracts Act;
114 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
115 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
116 (dd) Chapter 78, Earned Wage Access Services Act; ~~{ }~~ and]
117 (ee) Chapter 81, Utah Digital Choice Act~~[]~~ ; and
118 (ff) Chapter 82, Feminine Hygiene Products.
119 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
make rules to establish:
121 (a) a public list that identifies a person that:
122 (i) violates a chapter described in Subsection (2);
123 (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal
process issued by:
125 (A) the division; or
126 (B) a court of competent jurisdiction; or
127 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar
instrument signed by the person and the division; and
129 (b) a process by which a person may be removed from the list the division establishes as described in
Subsection (3)(a).
134 Section 3. Section 3 is enacted to read:
137 **13-82-101. Definitions.**
82. Feminine Hygiene Products
1. General Provisions
As used in this section:
136 (1) "Chemical" means:
137 (a) lead;
138 (b) cadmium;
139 (c) arsenic;
140 (d) dioxin(2,3,7,8-tetrachlordibenzo-p-dioxin (TCDD)); or
141 (e) PFAS.
142 (2)

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(a) "Confidential business information" means an ingredient intentionally added {ingredient or}, or a combination of ingredients intentionally added {ingredients}, for which:

(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 ingredient intentionally added {ingredient} .

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

(5) {"Intentionally"} "Ingredient 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} menstrual 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;

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- 176 { (ii) {include in the list of covered substances a covered substance that is 0% or more of the weight
of the menstrual product;}- }
- 178 (iii){ (ii) } be in a conspicuous location on the outside packaging of the menstrual product;
- 179 (iv){ (iii) } be in legible type; and
- 180 (v){ (iv) } comply with rules the division makes in accordance with this section, if any.
- 181 (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).
- 185 (3) Reasonable variations in the amount of a covered substance in a menstrual product listed on the
label as described in Subsection (2) is permitted.
- 187 (4) A manufacturer shall:
- 188 (a) keep records of tests the manufacturer conducts for covered substances in menstrual products for
three years; and
- 190 (b) produce the records described in Subsection (4)(a) to the division upon request of the division.
- 184 (3){ (5) } 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} .
- 187 (4){ (6) }
- (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.
- 190 (b) If an ~~ingredient~~ intentionally added {ingredient} is confidential business information, the ~~ingredient~~
intentionally added {ingredient} may be listed as described in this section by the {intentionally
added ingredient's} common nameof the ingredient intentionally added.
- 193 (5){ (7) } 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).
- 203 Section 5. Section 5 is enacted to read:
- 205 **13-82-301. Administration and enforcement -- Powers -- Legal counsel -- Fees.**
3. Enforcement
- 200 (1) The division shall administer and enforce the provisions of this chapter in accordance with Chapter
2, Division of Consumer Protection.
- 202 (2)

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(a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

(i) the division director may impose an administrative fine of up to \$2,500 for each violation of this chapter; and

(ii) the division may bring an action in a court of competent jurisdiction to enforce a provision of this chapter.

(b) In a court action by the division to enforce a provision of this chapter, the court may:

(i) declare that an act or practice violates a provision of this chapter;

(ii) issue an injunction for a violation of this chapter;

~~{(iii) {order disgorgement of any money received in violation of this chapter;}-}~~

~~{(iv) {order payment of disgorged money to an injured purchaser or consumer;}-}~~

(v) ~~{(iii)}~~ impose a fine of up to \$2,500 for each violation of this chapter; or

(vi) ~~{(iv)}~~ award any other relief that the court deems reasonable and necessary.

(3) If a court of competent jurisdiction grants judgment or injunctive relief to the division, the court shall award the division:

(a) reasonable attorney fees;

(b) court costs; and

(c) investigative fees.

(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.

(b) A civil penalty authorized under this section may be imposed in any civil action brought by the division.

(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.

Section 6. **Effective date.**

Effective Date.

(1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

(2) The actions affecting Section 13-2-1 (Effective 07/01/26) take effect on July 1, 2026.

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