

HB0442S02

inserted text shows text that was not in HB0442S02 but was inserted into HB0442S06

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

None

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13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269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

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

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- 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;~~[-{ } 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).
81 Section 2. Section 13-2-1 is amended to read:

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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;
 - (aa) Chapter 70, Automatic Renewal Contracts Act;

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- (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- (dd) Chapter 78, Earned Wage Access Services Act; ~~{f}~~ 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;
- (d) dioxin(2,3,7,8-tetrachlordibenzo-p-dioxin (TCDD)); or
- (e) PFAS.
- (2)
- (a) "Confidential business information" means an ingredient intentionally added {ingredient or}, or a combination of ingredients intentionally added {ingredients}, for which:

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- 144 (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
- 148 (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.
- 150 (b) "Confidential business information" does not include a chemical.
- 151 (3) "Covered substance" means a chemical or an ingredient intentionally added {ingredient} .
- 152 (4) "Division" means the Division of Consumer Protection established in Section 13-2-1.
- 153 (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.
- 156 (6) "Manufacturer" means a manufacturer of a menstrual product sold, offered for sale, or distributed in
the state.
- 158 (7) "Menstrual product" means, whether disposable or reusable:
- 159 (a) a tampon;
- 160 (b) a sanitary napkin;
- 161 (c) a menstrual cup; or
- 162 (d) another similar product designed for hygiene in connection with the human menstrual cycle.
- 164 (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.
- 168 Section 4. Section 4 is enacted to read:
- 170 **13-82-201. Feminine hygiene products -- Labeling.**
2. Requirements and Prohibited Practices
- 170 (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.
- 173 (2)
- (a) The label described in Subsection (1) shall:
- 174 (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;
- 176 {(ii) {~~include in the list of covered substances a covered substance that is 0% or more of the weight~~
of the menstrual product;}- }

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178 (iii){(ii)} be in a conspicuous location on the outside packaging of the menstrual product;and
179 (iv){(iii)} be in legible type{~~;~~ and} .
180 {(v)} {~~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).
183 (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.
185 (4) A manufacturer shall:
186 (a) keep records of tests the manufacturer conducts for covered substances in menstrual products for
three years; and
188 (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)} {~~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).~~}
198 Section 5. Section 5 is enacted to read:
200 **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)
(a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:
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(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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