SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3643

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3643.

As amended, this bill requires a manufacturer of menstrual products for sale or distribution in the State, no later than 18 months after the effective date of the bill, to: 1) include a label on every package or box of menstrual products that is sold or offered for sale in the State listing all of the ingredients contained in the menstrual product, with the ingredients listed in descending order of predominance within the menstrual product; and 2) post on its internet website, in an electronically readable format, the label information required under the bill to be included on every package or box containing menstrual products.

The bill clarifies that these provisions are not to be construed to require a manufacturer of menstrual products to disclose confidential business information on a package or box containing menstrual products, or on its internet website. A manufacturer may include confidential business information by its common name with the label information required under the bill in order to protect a substance's confidential identity. The bill requires a manufacturer of menstrual products to change the label listing any change in ingredients within 18 months of such a change.

The bill establishes a civil penalty for menstrual product manufacturers that manufacture for distribution or sale in the State a package or box containing menstrual products that does not meet the labeling requirements established under the bill. The civil penalty will be equal to one percent of the manufacturer's total annual in-State sales of menstrual products for each noncompliant package or box, not to exceed $1,000 per noncompliant package or box. The civil penalty will be collected by the Division of Consumer Affairs in the Department of Law and Public Safety in summary proceedings before a court of competent jurisdiction pursuant to State law. The bill specifies that the civil penalty may not be assessed for a noncompliant package or box containing menstrual products that was manufactured prior to 18 months after the effective date of the bill.

As amended and reported by the committee, Senate Bill No. 3643 is identical to Assembly Bill No. 2437 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments:

(1) clarify that a manufacturer is to include an ingredient label, as described under the bill, on every package or box containing menstrual products no later than 18 months after the effective date of the bill;

(2) add a new provision that requires a manufacturer of menstrual products for sale or distribution in the State, no later than 18 months after the effective date of the bill, to post on its internet website, in an electronically readable format, the ingredients labels required under the bill to be included on every package or box containing menstrual products;

(3) provide that the bill is not to be construed to require a manufacturer of menstrual products for sale or distribution in the State to disclose confidential business information on a package or box containing menstrual products, or on its internet website;

(4) define the term "confidential business information;" and

(5) revise the definition of "ingredient."