

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2040

(SENATE AUTHORS: NEWMAN)

DATE
03/13/2017

D-PG
1363

OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to environment; providing for labeling of certain nonwoven disposable
1.3 products; proposing coding for new law in Minnesota Statutes, chapter 325E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [325E.048] NONWOVEN PERSONAL CARE DISPOSABLE PRODUCTS.

1.6 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.7 meanings given:

1.8 (1) "advertised" means represented by statement, word, design, device, sound, or any
1.9 combination thereof in print, electronic, or broadcast media;

1.10 (2) "competent and reliable evidence" means tests, analyses, research, studies, or other
1.11 evidence based on the expertise of professionals in the relevant area, that have been conducted
1.12 and evaluated in an objective manner by qualified persons, using procedures generally
1.13 accepted in the profession to yield accurate and reliable results and that substantially replicate
1.14 the physical conditions of the environment in which the nonwoven disposable product will
1.15 likely be disposed;

1.16 (3) "flushable, septic safe, or sewer safe" means a nonwoven disposable product that
1.17 meets the tests for flushability established by the Federal Trade Commission in Docket No.
1.18 C-4556 for non-misleading representations regarding the flushability of nonwoven disposable
1.19 products, or that complies with the most recent INDA (Association of the Nonwoven Fabrics
1.20 Industry) code of practice for product labeling that has been approved by the Commissioner
1.21 of the Pollution Control Agency;

(4) "label" means representations made by statement, word, picture, design, or emblem on the primary and secondary packaging of a nonwoven disposable product;

(5) "nonwoven disposable product" means a product constructed from nonwoven sheet products that:

(i) the manufacturer has designed or marketed for or that are commonly used in a bathroom setting or for toileting purposes; and

(ii) during normal use could become contaminated with feces, menses, urine, and germs typically associated with these wastes; and

(6) "tests for flushability" means competent and reliable scientific evidence that is of sufficient quantity and quality to substantiate that nonwoven disposable product disperses in a sufficiently short amount of time after flushing to avoid clogging or other operational problems in household and municipal sewage lines, septic systems, and other standard wastewater equipment.

Subd. 2. **Prohibition.** No nonwoven disposable product for sale in the state may be advertised, packaged, or labeled as flushable, septic safe, or sewer safe unless it meets the definition set forth in subdivision 1, clause (3).

Subd. 3. **Labeling requirement.** A nonwoven disposable product for sale in the state must meet the most recent INDA (Association of the Nonwoven Fabrics Industry) code of practice for product labeling that has been approved by the commissioner of the Pollution Control Agency.

Subd. 4. **Penalty; enforcement.** (a) A manufacturer that violates this section is subject to a civil penalty of \$100 for each pre-packaged salable unit offered for sale up to a maximum of \$5,000 and may be enjoined from those violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties under paragraph (a). The attorney general may accept an assurance of discontinuance of acts in violation of subdivision 2 or 3 in the manner provided in section 8.31, subdivision 2b.

Subd. 5. **Exceptions.** (a) Nothing in this section applies to:

(1) television or radio broadcasting stations or a publisher of a newspaper, magazine, or other form of printed or electronic advertising that broadcasts, publishes, or prints an advertisement that features a nonwoven disposable product packaged or labeled as flushable, septic safe, or sewer safe; or

3.1 (2) wholesalers or retailers that distribute or sell but do not package or label a nonwoven
3.2 disposable product that is advertised, packaged or labeled as flushable, septic safe, or sewer
3.3 safe.

3.4 (b) A manufacturer in possession of nonwoven disposable products on January 1, 2018,
3.5 that do not meet the labeling standards of this section may exhaust their existing stock
3.6 through distribution or sale to wholesalers or retailers.

3.7 **EFFECTIVE DATE.** This section is effective June 1, 2018.