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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2842

03/10/2016 Authored by McNamara; Bly; Johnson, C.; Schoen and Mariani

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and 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
1.6 PRODUCTS LABELING.

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

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

1.11 (2) "flushable, septic safe, and sewer safe" means a nonwoven disposable product
1.12 that is:

1.13 (i) able to clear toilets and properly maintained drainage pipe systems under
1.14 expected product use and conditions;

1.15 (ii) compatible with wastewater conveyance, treatment, reuse, and disposal systems
1.16 without causing blockage, clogging, or other operational problems; and

1.17 (iii) unrecognizable in effluent leaving on-site and municipal wastewater treatment
1.18 systems and in digested sludge from wastewater treatment plants that are applied to soil;

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

1.21 (4) "nonwoven disposable product" means a product constructed from nonwoven
1.22 sheets that is designated for, marketed for, or commonly used for personal hygiene
1.23 purposes.

2.1 Subd. 2. **Prohibition.** No nonwoven disposable product for sale in the state may be
2.2 advertised, packaged, or labeled as flushable, septic safe, or sewer safe if the product is
2.3 not flushable, septic safe, and sewer safe as defined under subdivision 1.

2.4 Subd. 3. **Labeling requirement.** A nonwoven disposable product for sale in the
2.5 state that is not flushable, septic safe, and sewer safe as defined under subdivision 1 must
2.6 include on the product's label the phrase "Do Not Flush."

2.7 Subd. 4. **Penalty; enforcement.** (a) A manufacturer that violates this section is
2.8 subject to a civil penalty of not more than \$5,000 for each violation.

2.9 (b) The attorney general may bring an action in the name of the state in a court of
2.10 competent jurisdiction for recovery of civil penalties under paragraph (a). The attorney
2.11 general may accept an assurance of discontinuance of acts in violation of subdivision 2 or
2.12 3 in the manner provided in section 8.31, subdivision 2b.

2.13 Subd. 5. **Exceptions.** Nothing in this section applies to:

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

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

2.21 **EFFECTIVE DATE.** This section is effective January 1, 2018.