CKM/RC

as introduced

SENATE STATE OF MINNESOTA NINETY-FIRST SESSION

S.F. No. 3139

(SENATE AUTHORS: KORAN, Dibble, Cwodzinski, Ruud and Mathews)					
DATE	D-PG	OFFICIAL STATUS			
02/13/2020	4757	Introduction and first reading			
		Referred to Environment and Natural Resources Policy and Legacy Finance			

1.1	A bill for an act
1.2 1.3	relating to environment; providing for labeling of certain nonwoven disposable 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 that is based on the expertise of professionals in the relevant area and has been
1.12	conducted and evaluated in an objective manner by qualified persons using procedures that
1.13	are generally accepted in the profession to yield accurate and reliable results and that
1.14	substantially replicate the physical conditions of the environment in which the nonwoven
1.15	disposable product will 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 nonmisleading 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;

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 (4) "label" means representations made by statement, word, picture, design, or emble on the primary and secondary packaging of a nonwoven disposable product; (5) "nonwoven disposable product" means a product constructed from nonwoven she 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 feees, menses, urine, and gern 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 disperse in a sufficiently short amount of time after flushing to avoid clogging or other operations 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 practice for product labeling that has been approved by the commissioner of the Pollutio Control Agency. Subd. 4. Penalty: enforcement. (a) A manufacturer that violates this section is subjet to a civil penalty of \$100 for each prepackaged salable unit offered for sale, up to a maximu 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. Exc				
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(1) television or radio broadcasting stations or a publisher of a newspaper, magazine,		Subd. 5. Exceptions. (a) Nothing in this sectio	n applies to:	
or other form of printed or electronic advertising that broadcasts, publishes, or prints an			•	<u> </u>
	C	•		•
		advertisement that features a nonwoven disposable septic safe, or sewer safe; or	product packaged or labele	d as flushable

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20-6392

as introduced

- 3.6 distribution or sale to wholesalers or retailers.
- 3.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.