

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4428

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DATE
03/16/2020

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Introduction and first reading
Referred to Commerce and Consumer Protection Finance and Policy

OFFICIAL STATUS

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 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;

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

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

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

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

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

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

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

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

2.24 (b) The attorney general may bring an action in the name of the state in a court of
2.25 competent jurisdiction for recovery of civil penalties under paragraph (a). The attorney
2.26 general may accept an assurance of discontinuance of acts in violation of subdivision 2 or
2.27 3 in the manner provided in section 8.31, subdivision 2b.

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

2.29 (1) television or radio broadcasting stations or a publisher of a newspaper, magazine,
2.30 or other form of printed or electronic advertising that broadcasts, publishes, or prints an
2.31 advertisement that features a nonwoven disposable product packaged or labeled as flushable,
2.32 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, 2021,
3.5 that do not meet the labeling standards of this section may exhaust existing stock through
3.6 distribution or sale to wholesalers or retailers.

3.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.