

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Wipes
5 Labeling Act.

6 Section 5. Findings. The General Assembly finds that
7 creating labeling standards for disposable wipes products will
8 protect public health, the environment, water quality, and
9 public infrastructure used for the collection, transport, and
10 treatment of wastewater. It is not the intent of the General
11 Assembly to address standards for flushability with this Act.

12 Section 10. Definitions. In this Act:

13 "Covered entity" means:

14 (1) the manufacturer of a covered product that is sold
15 or offered for sale in this State; and

16 (2) a wholesaler, supplier, or retailer that is
17 responsible for the labeling or packaging of a covered
18 product.

19 "Covered product" means a consumer product sold or offered
20 for sale in the State that is either of the following:

21 (1) A premoistened nonwoven disposable wipe marketed
22 as a baby wipe or diapering wipe.

1 (2) A premoistened nonwoven disposable wipe that is
2 both of the following:

3 (A) Composed entirely of or in part of
4 petrochemical-derived fibers.

5 (B) Likely to be used in a bathroom and has
6 significant potential to be flushed, including baby
7 wipes, bathroom cleaning wipes, toilet cleaning wipes,
8 hard surface cleaning wipes, disinfecting wipes, hand
9 sanitizing wipes, antibacterial wipes, facial and
10 makeup removal wipes, general purpose cleaning wipes,
11 personal care wipes for use on the body, feminine
12 hygiene wipes, adult incontinence wipes, adult hygiene
13 wipes, and body cleansing wipes.

14 "Jurisdictional wastewater authority" means a sanitary
15 district, water reclamation district, municipality, county, or
16 other unit of local government in this State responsible for
17 the collection or treatment of wastewater.

18 "Label" means to represent by statement, word, picture,
19 design, or emblem on a covered product package.

20 "Label notice" means the phrase "Do Not Flush" in a size
21 equal to at least 2% of the surface area of the principal
22 display panel. For covered products regulated pursuant to the
23 Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) by
24 the United States Consumer Product Safety Commission under
25 Section 1500.121 of Title 16 of the Code of Federal
26 Regulations, if the label notice requirements in this

1 paragraph would result in a type size larger than first aid
2 instructions pursuant to the Federal Hazardous Substances Act,
3 then the type size for the label notice shall, to the extent
4 permitted by federal law, be equal to or greater than the type
5 size required for the first aid instructions. For covered
6 products required to be registered by the United States
7 Environmental Protection Agency under the Federal Insecticide,
8 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), if the
9 label notice requirements in this paragraph would result in a
10 type size on the principal display panel larger than a warning
11 pursuant to the Federal Insecticide, Fungicide, and
12 Rodenticide Act, then the type size for the label notice
13 shall, to the extent permitted by federal law, be equal to or
14 greater than the type size required for the "Keep Out of Reach
15 of Children" statement under 40 CFR 156.66.

16 "Principal display panel" means the side of the product
17 package that is most likely to be displayed, presented, or
18 shown under customary conditions of display for retail sale.
19 In the case of a cylindrical or nearly cylindrical package,
20 the surface area of the principal display panel constitutes
21 40% of the product package as measured by multiplying the
22 height of the container by the circumference. In the case of a
23 flexible film package in which a rectangular prism or nearly
24 rectangular prism stack of wipes is housed within the film,
25 the surface area of the principal display panel is measured by
26 multiplying the length by the width of the side of the package

1 when the flexible packaging film is pressed flat against the
2 stack of wipes on all sides of the stack.

3 "Symbol" means the "Do Not Flush" symbol, or a gender
4 equivalent thereof, as depicted in the INDA/EDANA Code of
5 Practice Second Edition and published within "Guidelines for
6 Assessing the Flushability of Disposable Nonwoven Products,"
7 Edition 4, May 2018. The symbol shall be sized equal to at
8 least 2% of the surface area of the principal display panel,
9 except as specified in subdivision (iii) of paragraph (B) of
10 subsection (a) of Section 15.

11 Section 15. Labeling requirements.

12 (a) Except as provided in subsections (b), (c), (d), and
13 (f), a covered product manufactured on or after July 1, 2022
14 shall be labeled clearly and conspicuously in adherence to the
15 following labeling requirements:

16 (1) In the case of cylindrical or near cylindrical
17 packaging intended to dispense individual wipes, a covered
18 entity shall comply with one of the following options:

19 (A) Place the symbol and label notice on the
20 principal display panel in a location reasonably
21 viewable each time a wipe is dispensed.

22 (B) Place the symbol on the principal display
23 panel and either the symbol or label notice, or the
24 symbol and label notice in combination, on the flip
25 lid, subject to the following:

1 (i) If the label notice does not appear on the
2 flip lid, the label notice shall be placed on the
3 principal display panel.

4 (ii) The symbol or label notice, or the symbol
5 and label notice in combination, on the flip lid
6 may be embossed, and in that case are not required
7 to comply with paragraph (6).

8 (iii) The symbol or label notice, or the
9 symbol and label notice in combination, on the
10 flip lid shall cover a minimum of 8% of the surface
11 area of the flip lid.

12 (2) In the case of flexible film packaging intended to
13 dispense individual wipes, a covered entity shall place
14 the symbol on the principal display panel and dispensing
15 side panel and shall place the label notice on either the
16 principal display panel or dispensing side panel in a
17 prominent location reasonably visible to the user each
18 time a wipe is dispensed. If the principal display panel
19 is on the dispensing side of the package, 2 symbols are not
20 required.

21 (3) In the case of refillable tubs or other rigid
22 packaging intended to dispense individual wipes and be
23 reused by the consumer for that purpose, a covered entity
24 shall place the symbol and label notice on the principal
25 display panel in a prominent location reasonably visible
26 to the user each time a wipe is dispensed.

1 (4) In the case of packaging not intended to dispense
2 individual wipes, a covered entity shall place the symbol
3 and label notice on the principal display panel in a
4 prominent and reasonably visible location.

5 (5) A covered entity shall ensure that the packaging
6 seams, folds, or other package design elements do not
7 obscure the symbol or the label notice.

8 (6) A covered entity shall ensure that the symbol and
9 label notice have sufficiently high contrast with the
10 immediate background of the packaging to render it likely
11 to be seen and read by the ordinary individual under
12 customary conditions of purchase and use.

13 (b) For covered products sold in bulk at retail, both the
14 outer package visible at retail and the individual packages
15 contained within shall comply with the labeling requirements
16 in subsection (a) applicable to the particular packaging
17 types, except the following:

18 (1) Individual packages contained within the outer
19 package that are not intended to dispense individual wipes
20 and contain no retail labeling.

21 (2) Outer packages that do not obscure the symbol and
22 label notice on individual packages contained within.

23 (c) If a covered product is provided within the same
24 packaging as another consumer product for use in combination
25 with the other consumer product, the outside retail packaging
26 of the other consumer product does not need to comply with the

1 labeling requirements of subsection (a).

2 (d) If a covered product is provided within the same
3 package as another consumer product for use in combination
4 with the other product and is in a package smaller than 3
5 inches by 3 inches, the covered entity of the covered product
6 may comply with the requirements of subsection (a) by placing
7 the symbol and label notice in a prominent location reasonably
8 visible to the user of the covered product.

9 (e) A covered entity, directly or through a corporation,
10 partnership, subsidiary, division, trade name, or association
11 in connection to the manufacturing, labeling, packaging,
12 advertising, promotion, offering for sale, sale, or
13 distribution of a covered product, shall not make any
14 representation, in any manner, expressly or by implication,
15 including through the use of a product name, endorsement,
16 depiction, illustration, trademark, or trade name, about the
17 flushable attributes, flushable benefits, flushable
18 performance, or flushable efficacy of a covered product.

19 (f) If a covered product is required to be registered by
20 the United States Environmental Protection Agency under the
21 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
22 136 et seq.) and the Illinois Department of Agriculture under
23 the Illinois Pesticide Act, then the covered entity shall
24 submit a label compliant with the labeling requirements of
25 subsection (a) no later than July 1, 2023 to the United States
26 Environmental Protection Agency.

1 If the United States Environmental Protection Agency or
2 the Illinois Department of Agriculture does not approve a
3 product label that otherwise complies with the labeling
4 requirements of subsection (a), the covered entity shall use a
5 label with as many of the requirements of this Section as the
6 relevant agency has approved.

7 (g) A covered entity may include on a covered product
8 words or phrases in addition to those required for the label
9 notice if the words or phrases are consistent with the
10 purposes of this Section.

11 Section 20. Nonconfidential business information. Upon a
12 request by a jurisdictional wastewater authority, a covered
13 entity must submit to the requesting entity, within 90 days
14 after the request, nonconfidential business information and
15 documentation demonstrating compliance with this Act in a
16 format that is easy to understand.

17 Section 25. Jurisdictional wastewater authority; authority
18 to enforce; civil penalties.

19 (a) Jurisdictional wastewater authorities have the
20 concurrent and exclusive authority to enforce this Act and to
21 collect civil penalties for violations of this Act, subject to
22 the conditions in this Section. A jurisdictional wastewater
23 authority may impose a civil penalty in the amount of up to
24 \$2,000 for the first violation of this Act, up to \$5,000 for

1 the second violation, and up to \$10,000 for the third and any
2 subsequent violation. If a covered entity has paid a prior
3 penalty for the same violation to a different jurisdictional
4 wastewater authority with enforcement authority under this
5 Section, the penalty imposed by a jurisdictional wastewater
6 authority shall be reduced by the amount of the payment.

7 (b) Any civil penalties collected pursuant to this Section
8 must be paid to the enforcing jurisdictional wastewater
9 authority that brought the action.

10 (c) The remedies provided by this Section are not
11 exclusive and are in addition to the remedies that may be
12 available under relevant consumer protection laws, if
13 applicable.

14 (d) In addition to penalties recovered under this Section,
15 the enforcing jurisdictional wastewater authority may recover
16 reasonable enforcement costs and attorneys' fees from the
17 liable covered entity.

18 Section 30. Noncompliant covered entities. Covered
19 entities that violate the requirements of this Act are subject
20 to the civil penalties described in Section 25. A specific
21 violation is deemed to have occurred upon the sale of a
22 noncompliant product package. The sale of multiple units of
23 the same noncompliant product package is considered part of
24 the same, single violation. A jurisdictional wastewater
25 authority must send a written notice of an alleged violation

1 and a copy of the requirements of this Act to a noncompliant
2 covered entity, which will have 90 days to become compliant. A
3 jurisdictional wastewater authority may assess a first penalty
4 if the covered entity has not met the requirements of this Act
5 90 days after the date the notification was sent. A
6 jurisdictional wastewater authority may impose a second,
7 third, and subsequent penalty on a covered entity that remains
8 noncompliant with the requirements of this Act for every month
9 of noncompliance.

10 Section 35. Home rule. A home rule unit may not regulate
11 the labeling of covered products in a manner inconsistent with
12 the regulation by the State of the labeling of covered
13 products under this Act. This Section is a limitation under
14 subsection (i) of Section 6 of Article VII of the Illinois
15 Constitution on the concurrent exercise by home rule units of
16 powers and functions exercised by the State.

17 Section 97. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.

19 Section 99. Effective date. This Act takes effect July 1,
20 2022.