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1 AMENDMENT TO SENATE BILL 294

2 AMENDMENT NO. _____. Amend Senate Bill 294 by replacing
3 everything after the enacting clause with the following:

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

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

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

6 (1) A premoistened nonwoven disposable wipe marketed
7 as a baby wipe or diapering wipe.

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

10 (A) Composed entirely of or in part of
11 petrochemical-derived fibers.

12 (B) Likely to be used in a bathroom and has
13 significant potential to be flushed, including baby
14 wipes, bathroom cleaning wipes, toilet cleaning wipes,
15 hard surface cleaning wipes, disinfecting wipes, hand
16 sanitizing wipes, antibacterial wipes, facial and
17 makeup removal wipes, general purpose cleaning wipes,
18 personal care wipes for use on the body, feminine
19 hygiene wipes, adult incontinence wipes, adult hygiene
20 wipes, and body cleansing wipes.

21 "High contrast" means:

22 (1) provided by either a light symbol on a solid dark
23 background or a dark symbol on a solid light background;
24 and

25 (2) having at least 70% contrast between the symbol
26 artwork and background using the formula $[(B1 - B2) / B1] *$

1 100, where B1 is the light reflectance value of the
2 relatively lighter area and B2 is the light reflectance
3 value of the relatively darker area.

4 "Jurisdictional wastewater authority" means a sanitary
5 district, water reclamation district, municipality, county, or
6 other unit of local government in this State responsible for
7 the collection or treatment of wastewater.

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

10 "Label notice" means the phrase "Do Not Flush" in a size
11 equal to at least 2% of the surface area of the principal
12 display panel. For covered products regulated pursuant to the
13 Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) by
14 the United States Consumer Product Safety Commission under
15 Section 1500.121 of Title 16 of the Code of Federal
16 Regulations, if the label notice requirements in this
17 paragraph would result in a type size larger than first aid
18 instructions pursuant to the Federal Hazardous Substances Act,
19 then the type size for the label notice shall, to the extent
20 permitted by federal law, be equal to or greater than the type
21 size required for the first aid instructions. For covered
22 products required to be registered by the United States
23 Environmental Protection Agency under the Federal Insecticide,
24 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), if the
25 label notice requirements in this paragraph would result in a
26 type size on the principal display panel larger than a warning

1 pursuant to the Federal Insecticide, Fungicide, and
2 Rodenticide Act, then the type size for the label notice
3 shall, to the extent permitted by federal law, be equal to or
4 greater than the type size required for the "Keep Out of Reach
5 of Children" statement under 40 CFR 156.66.

6 "Principal display panel" means the side of the product
7 package that is most likely to be displayed, presented, or
8 shown under customary conditions of display for retail sale.
9 In the case of a cylindrical or nearly cylindrical package,
10 the surface area of the principal display panel constitutes
11 40% of the product package as measured by multiplying the
12 height of the container by the circumference. In the case of a
13 flexible film package in which a rectangular prism or nearly
14 rectangular prism stack of wipes is housed within the film,
15 the surface area of the principal display panel is measured by
16 multiplying the length by the width of the side of the package
17 when the flexible packaging film is pressed flat against the
18 stack of wipes on all sides of the stack.

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

1 Section 15. Labeling requirements.

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

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

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

12 (B) Place the symbol on the principal display
13 panel and either the symbol or label notice, or the
14 symbol and label notice in combination, on the flip
15 lid, subject to the following:

16 (i) If the label notice does not appear on the
17 flip lid, the label notice shall be placed on the
18 principal display panel.

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

23 (iii) The symbol or label notice, or the
24 symbol and label notice in combination, on the
25 flip lid shall cover a minimum of 8% of the surface

1 area of the flip lid.

2 (2) In the case of flexible film packaging intended to
3 dispense individual wipes, a covered entity shall place
4 the symbol on the principal display panel and dispensing
5 side panel and shall place the label notice on either the
6 principal display panel or dispensing side panel in a
7 prominent location reasonably visible to the user each
8 time a wipe is dispensed. If the principal display panel
9 is on the dispensing side of the package, 2 symbols are not
10 required.

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

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

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

24 (6) A covered entity shall ensure that the symbol and
25 label notice have sufficiently high contrast with the
26 immediate background of the packaging to render it likely

1 to be seen and read by the ordinary individual under
2 customary conditions of purchase and use.

3 (b) For covered products sold in bulk at retail, both the
4 outer package visible at retail and the individual packages
5 contained within shall comply with the labeling requirements
6 in subsection (a) applicable to the particular packaging
7 types, except the following:

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

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

13 (c) If a covered product is provided within the same
14 packaging as another consumer product for use in combination
15 with the other consumer product, the outside retail packaging
16 of the other consumer product does not need to comply with the
17 labeling requirements of subsection (a).

18 (d) If a covered product is provided within the same
19 package as another consumer product for use in combination
20 with the other product and is in a package smaller than 3
21 inches by 3 inches, the covered entity of the covered product
22 may comply with the requirements of subsection (a) by placing
23 the symbol and label notice in a prominent location reasonably
24 visible to the user of the covered product.

25 (e) A covered entity, directly or through a corporation,
26 partnership, subsidiary, division, trade name, or association

1 in connection to the manufacturing, labeling, packaging,
2 advertising, promotion, offering for sale, sale, or
3 distribution of a covered product, shall not make any
4 representation, in any manner, expressly or by implication,
5 including through the use of a product name, endorsement,
6 depiction, illustration, trademark, or trade name, about the
7 flushable attributes, flushable benefits, flushable
8 performance, or flushable efficacy of a covered product.

9 (f) If a covered product is required to be registered by
10 the United States Environmental Protection Agency under the
11 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
12 Sec. 136 et seq.) and the Illinois Department of Agricultural
13 under the Illinois Pesticide Act, then the covered entity
14 shall submit a label compliant with the labeling requirements
15 of subsection (a) no later than July 1, 2023 to the United
16 States Environmental Protection Agency.

17 If the United States Environmental Protection Agency or
18 the Illinois Department of Agriculture does not approve a
19 product label that otherwise complies with the labeling
20 requirements of subsection (a), the covered entity shall use a
21 label with as many of the requirements of this Section as the
22 relevant agency has approved.

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

1 Section 20. Nonconfidential business information. Upon a
2 request by a jurisdictional wastewater authority, a covered
3 entity must submit to the requesting entity, within 90 days
4 after the request, nonconfidential business information and
5 documentation demonstrating compliance with this Act in a
6 format that is easy to understand.

7 Section 25. Jurisdictional wastewater authority; authority
8 to enforce; civil penalties.

9 (a) Jurisdictional wastewater authorities have the
10 concurrent and exclusive authority to enforce this Act and to
11 collect civil penalties for violations of this Act, subject to
12 the conditions in this Section. A jurisdictional wastewater
13 authority may impose a civil penalty in the amount of up to
14 \$2,000 for the first violation of this Act, up to \$5,000 for
15 the second violation, and up to \$10,000 for the third and any
16 subsequent violation. If a covered entity has paid a prior
17 penalty for the same violation to a different jurisdictional
18 wastewater authority with enforcement authority under this
19 Section, the penalty imposed by a jurisdictional wastewater
20 authority shall be reduced by the amount of the payment.

21 (b) Any civil penalties collected pursuant to this Section
22 must be paid to the enforcing jurisdictional wastewater
23 authority that brought the action.

24 (c) The remedies provided by this Section are not

1 exclusive and are in addition to the remedies that may be
2 available under relevant consumer protection laws, if
3 applicable.

4 (d) In addition to penalties recovered under this Section,
5 the enforcing jurisdictional wastewater authority may recover
6 reasonable enforcement costs and attorneys' fees from the
7 liable covered entity.

8 Section 30. Noncompliant covered entities. Covered
9 entities that violate the requirements of this Act are subject
10 to the civil penalties described in Section 25. A specific
11 violation is deemed to have occurred upon the sale of a
12 noncompliant product package. The sale of multiple units of
13 the same noncompliant product package is considered part of
14 the same, single violation. A jurisdictional wastewater
15 authority must send a written notice of an alleged violation
16 and a copy of the requirements of this Act to a noncompliant
17 covered entity, which will have 90 days to become compliant. A
18 jurisdictional wastewater authority may assess a first penalty
19 if the covered entity has not met the requirements of this Act
20 90 days after the date the notification was sent. A
21 jurisdictional wastewater authority may impose a second,
22 third, and subsequent penalty on a covered entity that remains
23 noncompliant with the requirements of this Act for every month
24 of noncompliance.

1 Section 35. Home rule. A home rule unit may not regulate
2 the labeling of covered products in a manner inconsistent with
3 the regulation by the State of the labeling of covered
4 products under this Act. This Section is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units of
7 powers and functions exercised by the State.

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

10 Section 99. Effective date. This Act takes effect July 1,
11 2022."