

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 "High contrast" means:

15 (1) provided by either a light symbol on a solid dark
16 background or a dark symbol on a solid light background;
17 and

18 (2) having at least 70% contrast between the symbol
19 artwork and background using the formula $[(B1 - B2) / B1] * 100$,
20 where B1 is the light reflectance value of the
21 relatively lighter area and B2 is the light reflectance
22 value of the relatively darker area.

23 "Jurisdictional wastewater authority" means a sanitary
24 district, water reclamation district, municipality, county, or
25 other unit of local government in this State responsible for
26 the collection or treatment of wastewater.

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

3 "Label notice" means the phrase "Do Not Flush" in a size
4 equal to at least 2% of the surface area of the principal
5 display panel. For covered products regulated pursuant to the
6 Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) by
7 the United States Consumer Product Safety Commission under
8 Section 1500.121 of Title 16 of the Code of Federal
9 Regulations, if the label notice requirements in this
10 paragraph would result in a type size larger than first aid
11 instructions pursuant to the Federal Hazardous Substances Act,
12 then the type size for the label notice shall, to the extent
13 permitted by federal law, be equal to or greater than the type
14 size required for the first aid instructions. For covered
15 products required to be registered by the United States
16 Environmental Protection Agency under the Federal Insecticide,
17 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), if the
18 label notice requirements in this paragraph would result in a
19 type size on the principal display panel larger than a warning
20 pursuant to the Federal Insecticide, Fungicide, and
21 Rodenticide Act, then the type size for the label notice
22 shall, to the extent permitted by federal law, be equal to or
23 greater than the type size required for the "Keep Out of Reach
24 of Children" statement under 40 CFR 156.66.

25 "Principal display panel" means the side of the product
26 package that is most likely to be displayed, presented, or

1 shown under customary conditions of display for retail sale.
2 In the case of a cylindrical or nearly cylindrical package,
3 the surface area of the principal display panel constitutes
4 40% of the product package as measured by multiplying the
5 height of the container by the circumference. In the case of a
6 flexible film package in which a rectangular prism or nearly
7 rectangular prism stack of wipes is housed within the film,
8 the surface area of the principal display panel is measured by
9 multiplying the length by the width of the side of the package
10 when the flexible packaging film is pressed flat against the
11 stack of wipes on all sides of the stack.

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

20 Section 15. Labeling requirements.

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

25 (1) In the case of cylindrical or near cylindrical

1 packaging intended to dispense individual wipes, a covered
2 entity shall comply with one of the following options:

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

6 (B) Place the symbol on the principal display
7 panel and either the symbol or label notice, or the
8 symbol and label notice in combination, on the flip
9 lid, subject to the following:

10 (i) If the label notice does not appear on the
11 flip lid, the label notice shall be placed on the
12 principal display panel.

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

17 (iii) The symbol or label notice, or the
18 symbol and label notice in combination, on the
19 flip lid shall cover a minimum of 8% of the surface
20 area of the flip lid.

21 (2) In the case of flexible film packaging intended to
22 dispense individual wipes, a covered entity shall place
23 the symbol on the principal display panel and dispensing
24 side panel and shall place the label notice on either the
25 principal display panel or dispensing side panel in a
26 prominent location reasonably visible to the user each

1 time a wipe is dispensed. If the principal display panel
2 is on the dispensing side of the package, 2 symbols are not
3 required.

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

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

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

17 (6) A covered entity shall ensure that the symbol and
18 label notice have sufficiently high contrast with the
19 immediate background of the packaging to render it likely
20 to be seen and read by the ordinary individual under
21 customary conditions of purchase and use.

22 (b) For covered products sold in bulk at retail, both the
23 outer package visible at retail and the individual packages
24 contained within shall comply with the labeling requirements
25 in subsection (a) applicable to the particular packaging
26 types, except the following:

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

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

6 (c) If a covered product is provided within the same
7 packaging as another consumer product for use in combination
8 with the other consumer product, the outside retail packaging
9 of the other consumer product does not need to comply with the
10 labeling requirements of subsection (a).

11 (d) If a covered product is provided within the same
12 package as another consumer product for use in combination
13 with the other product and is in a package smaller than 3
14 inches by 3 inches, the covered entity of the covered product
15 may comply with the requirements of subsection (a) by placing
16 the symbol and label notice in a prominent location reasonably
17 visible to the user of the covered product.

18 (e) A covered entity, directly or through a corporation,
19 partnership, subsidiary, division, trade name, or association
20 in connection to the manufacturing, labeling, packaging,
21 advertising, promotion, offering for sale, sale, or
22 distribution of a covered product, shall not make any
23 representation, in any manner, expressly or by implication,
24 including through the use of a product name, endorsement,
25 depiction, illustration, trademark, or trade name, about the
26 flushable attributes, flushable benefits, flushable

1 performance, or flushable efficacy of a covered product.

2 (f) If a covered product is required to be registered by
3 the United States Environmental Protection Agency under the
4 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
5 136 et seq.) and the Illinois Department of Agriculture under
6 the Illinois Pesticide Act, then the covered entity shall
7 submit a label compliant with the labeling requirements of
8 subsection (a) no later than July 1, 2023 to the United States
9 Environmental Protection Agency.

10 If the United States Environmental Protection Agency or
11 the Illinois Department of Agriculture does not approve a
12 product label that otherwise complies with the labeling
13 requirements of subsection (a), the covered entity shall use a
14 label with as many of the requirements of this Section as the
15 relevant agency has approved.

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

20 Section 20. Nonconfidential business information. Upon a
21 request by a jurisdictional wastewater authority, a covered
22 entity must submit to the requesting entity, within 90 days
23 after the request, nonconfidential business information and
24 documentation demonstrating compliance with this Act in a
25 format that is easy to understand.

1 Section 25. Jurisdictional wastewater authority; authority
2 to enforce; civil penalties.

3 (a) Jurisdictional wastewater authorities have the
4 concurrent and exclusive authority to enforce this Act and to
5 collect civil penalties for violations of this Act, subject to
6 the conditions in this Section. A jurisdictional wastewater
7 authority may impose a civil penalty in the amount of up to
8 \$2,000 for the first violation of this Act, up to \$5,000 for
9 the second violation, and up to \$10,000 for the third and any
10 subsequent violation. If a covered entity has paid a prior
11 penalty for the same violation to a different jurisdictional
12 wastewater authority with enforcement authority under this
13 Section, the penalty imposed by a jurisdictional wastewater
14 authority shall be reduced by the amount of the payment.

15 (b) Any civil penalties collected pursuant to this Section
16 must be paid to the enforcing jurisdictional wastewater
17 authority that brought the action.

18 (c) The remedies provided by this Section are not
19 exclusive and are in addition to the remedies that may be
20 available under relevant consumer protection laws, if
21 applicable.

22 (d) In addition to penalties recovered under this Section,
23 the enforcing jurisdictional wastewater authority may recover
24 reasonable enforcement costs and attorneys' fees from the
25 liable covered entity.

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

18 Section 35. Home rule. A home rule unit may not regulate
19 the labeling of covered products in a manner inconsistent with
20 the regulation by the State of the labeling of covered
21 products under this Act. This Section is a limitation under
22 subsection (i) of Section 6 of Article VII of the Illinois
23 Constitution on the concurrent exercise by home rule units of
24 powers and functions exercised by the State.

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

3 Section 99. Effective date. This Act takes effect July 1,
4 2022.