



Sen. Cristina Castro

**Filed: 4/9/2021**

10200SB0294sam001

LRB102 05152 CPF 24687 a

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

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

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

23 "Principal display panel" means the side of the product  
24 package that is most likely to be displayed, presented, or  
25 shown under customary conditions of display for retail sale.  
26 In the case of a cylindrical or nearly cylindrical package,

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

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

18 Section 15. Labeling requirements.

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

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

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

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

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

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

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

19 (2) In the case of flexible film packaging intended to  
20 dispense individual wipes, a covered entity shall place  
21 the symbol on the principal display panel and dispensing  
22 side panel and shall place the label notice on either the  
23 principal display panel or dispensing side panel in a  
24 prominent location reasonably visible to the user each  
25 time a wipe is dispensed. If the principal display panel  
26 is on the dispensing side of the package, 2 symbols are not

1 required.

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

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

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

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

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

25 (1) Individual packages contained within the outer  
26 package that are not intended to dispense individual wipes

1 and contain no retail labeling.

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

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

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

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

26 (f) If a covered product is required to be registered by

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

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

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

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

24 Section 25. Jurisdictional wastewater authority; authority



1 to enforce; civil penalties.

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

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

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

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

25 Section 30. Noncompliant covered entities. Covered

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

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

24 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

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