

1 ble to the user each time a wipe is dispensed;
2 or

3 (B) the symbol shall be displayed on the
4 principal display panel and the label notice, or
5 a combination of the label notice and symbol,
6 shall be displayed on a flip lid in a manner that
7 covers at least 8 percent of the surface area of
8 the flip lid.

9 (2) FLEXIBLE FILM PACKAGING.—In the case
10 of a covered product sold in flexible film packaging,
11 and intended to dispense individual wipes—

12 (A) the symbol shall be displayed on the
13 principal display panel and, if the principal dis-
14 play panel is not on the dispensing side of the
15 packaging, on the dispensing side panel; and

16 (B) the label notice shall be displayed on
17 either the principal display panel or the dis-
18 pensing side panel, in a clear and conspicuous
19 location reasonably visible to the user each time
20 a wipe is dispensed.

21 (3) RIGID PACKAGING.—In the case of a cov-
22 ered product sold in a refillable tub or other rigid
23 packaging that may be reused by a customer, and
24 that is intended to dispense individual wipes, the
25 symbol and label notice shall be displayed on the

1 principal display panel in a clear and conspicuous lo-
2 cation reasonably visible to the user each time a
3 wipe is dispensed.

4 (4) PACKAGING NOT INTENDED TO DISPENSE
5 INDIVIDUAL WIPES.—In the case of a covered prod-
6 uct sold in packaging that is not intended to dis-
7 pense individual wipes, the symbol and label notice
8 shall be displayed on the principal display panel in
9 a clear and conspicuous location reasonably visible to
10 the user of the covered product.

11 (5) BULK PACKAGING.—

12 (A) IN GENERAL.—In the case of a covered
13 product sold in bulk at retail, the symbol and
14 label notice shall be displayed on both the outer
15 packaging visible at retail and the individual
16 packaging contained within the outer pack-
17 aging.

18 (B) EXEMPTION.—The following shall be
19 exempt from the requirements of subparagraph

20 (A):

21 (i) Individually packaged covered
22 products that are contained within outer
23 packaging, are not intended to dispense in-
24 dividual wipes, and have no retail labeling.

1 (ii) Outer packaging that does not ob-
2 scure the symbol and label notice on indi-
3 vidually packaged covered products con-
4 tained within.

5 (6) PACKAGING OF COMBINED PRODUCTS.—

6 (A) OUTER PACKAGING.—The outer pack-
7 aging of combined products shall be exempt
8 from the symbol and label notice requirements
9 of subsection (a).

10 (B) PACKAGES LESS THAN 3 BY 3
11 INCHES.—In the case of a covered product in
12 packaging smaller than 3 inches by 3 inches
13 (such as an individually packaged wipe in tear-
14 top packaging) and sold as part of a combined
15 product, if a symbol and label notice are placed
16 in a prominent location reasonably visible to the
17 user of the covered product, such covered prod-
18 uct shall be considered to be labeled clearly and
19 conspicuously.

20 (c) REASONABLE VISIBILITY OF SYMBOL AND LABEL
21 NOTICE.—

22 (1) IN GENERAL.—A covered entity shall ensure
23 that—

1 (A) packaging seams or folds or other
2 packaging design elements do not obscure the
3 symbol or label notice;

4 (B) the symbol and label notice are each
5 equal in size to at least 2 percent of the surface
6 area of the principal display panel; and

7 (C) the symbol and label notice have high
8 contrast with the immediate background of the
9 packaging so that such symbol and label notice
10 may be seen and read by an ordinary individual
11 under customary conditions of purchase and
12 use.

13 (2) PROXIMITY OF SYMBOL AND LABEL NO-
14 TICE.—A covered entity may display a symbol and
15 label notice either adjacent to or on separate areas
16 of the principal display panel.

17 (3) EXCEPTION.—Paragraph (1)(C) does not
18 apply to an embossed symbol or label notice on the
19 flip lid of a covered product sold in cylindrical or
20 near-cylindrical packaging.

21 (d) REPRESENTATIONS OF FLUSHABILITY.—With re-
22 spect to a covered product, a covered entity may not make
23 any express or implied representation that such covered
24 product can or should be flushed.

1 (e) ENFORCEMENT BY FEDERAL TRADE COMMIS-
2 SION.—

3 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
4 TICES.—A violation of this section or any regulation
5 promulgated under this section shall be treated as a
6 violation of a regulation under section 18(a)(1)(B)
7 of the Federal Trade Commission Act (15 U.S.C.
8 57a(a)(1)(B)) regarding unfair or deceptive acts or
9 practices.

10 (2) POWERS OF COMMISSION.—The Commis-
11 sion shall enforce this section and any regulations
12 promulgated under this section by the same means,
13 and with the same jurisdiction, powers, and duties,
14 as though all applicable terms and provisions of the
15 Federal Trade Commission Act (15 U.S.C. 41 et
16 seq.) were incorporated into and made a part of this
17 section, and any person who violates this section or
18 any regulation promulgated under this section shall
19 be subject to the penalties and entitled to the privi-
20 leges and immunities provided in the Federal Trade
21 Commission Act.

22 (3) REGULATIONS.—The Commission may pro-
23 mulgate regulations under section 553 of title 5,
24 United States Code, to implement this section. In
25 developing the regulations, the Commission may con-

1 sult with the Administrator of the Environmental
2 Protection Agency, the Commissioner of Food and
3 Drugs, the Consumer Product Safety Commission,
4 or any other agency as appropriate.

5 (4) AUTHORITY PRESERVED.—Nothing in this
6 section may be construed to limit the authority of
7 the Commission under any other provision of law.

8 (f) PREEMPTION OF STATE LAWS.—No State or po-
9 litical subdivision of a State may directly or indirectly es-
10 tablish or continue in effect, under any authority, require-
11 ments with respect to the “Do Not Flush” labeling of cov-
12 ered products that are not identical to the requirements
13 of this section and the regulations promulgated under this
14 section.

15 (g) DEFINITIONS.—In this section:

16 (1) COMBINED PRODUCT.—The term “com-
17 bined product” means two or more products sold in
18 shared retail packaging, of which—

19 (A) at least one of the products is a cov-
20 ered product; and

21 (B) at least one of the products is another
22 consumer product intended to be used in com-
23 bination with such covered product.

24 (2) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

1 (3) COVERED ENTITY.—The term “covered en-
2 tity” means a manufacturer, wholesaler, supplier, in-
3 dividual or group of individuals, or retailer that is
4 responsible for the labeling or retail packaging of a
5 covered product that is sold or offered for retail sale
6 in the United States.

7 (4) COVERED PRODUCT.—

8 (A) IN GENERAL.—The term “covered
9 product” means a premoistened, nonwoven dis-
10 posable wipe sold or offered for retail sale—

11 (i) that is marketed as a baby wipe or
12 diapering wipe; or

13 (ii) that is a household or personal
14 care wipe (including a wipe described in
15 subparagraph (B)) that—

16 (I) is composed entirely, or in
17 part, of petrochemical-derived fibers;
18 and

19 (II) has significant potential to
20 be flushed.

21 (B) INCLUSIONS.—The wipes described in
22 this subparagraph are—

23 (i) antibacterial wipes and disinfecting
24 wipes;

1 (ii) wipes intended for general purpose
2 cleaning or bathroom cleaning, including
3 toilet cleaning and hard surface cleaning;
4 and

5 (iii) wipes intended for personal care
6 use on the body, including hand sanitizing,
7 makeup removal, feminine hygiene, adult
8 hygiene (including incontinence hygiene),
9 and body cleansing.

10 (5) HIGH CONTRAST.—The term “high con-
11 trast” means, with respect to the symbol or label no-
12 tice, that such symbol or label notice—

13 (A) is either light on a solid dark back-
14 ground or dark on a solid light background; and

15 (B) has a contrast percentage of at least
16 70 percent between such symbol or label notice
17 and the background, using the formula $(B1 -$
18 $B2) / B1 * 100 =$ contrast percentage, where
19 B1 is the light reflectance value of the lighter
20 area and B2 is the light reflectance value of the
21 darker area.

22 (6) LABEL NOTICE.—The term “label notice”
23 means the written phrase “Do Not Flush”.

24 (7) PRINCIPAL DISPLAY PANEL.—The term
25 “principal display panel” means the side of a prod-

1 uct package that is most likely to be displayed, pre-
2 sented, or shown under customary conditions of dis-
3 play for retail sale, and—

4 (A) in the case of a cylindrical or near-cy-
5 lindrical package, the surface area of which
6 constitutes at least 40 percent of the product
7 package, as measured by multiplying the height
8 by the circumference of the package; or

9 (B) in the case of a flexible film package
10 in which a rectangular prism or near-rectan-
11 gular prism stack of wipes is housed within the
12 film, the surface area of which is measured by
13 multiplying the length by the width of the side
14 of the package when the flexible packaging film
15 is pressed flat against the stack of wipes on all
16 sides of the stack.

17 (8) STATE.—The term “State” means each
18 State of the United States, the District of Columbia,
19 and each commonwealth, territory, or possession of
20 the United States.

21 (9) SYMBOL.—The term “symbol” means the
22 “Do Not Flush” symbol, as depicted in the most re-
23 cent edition of the Guidelines for Assessing the
24 Flushability of Disposable Nonwoven Products pub-
25 lished by the Association of the Nonwoven Fabrics

1 Industry (INDA) and the European Disposables
2 And Nonwovens Association (EDANA), or an other-
3 wise equivalent symbol adopted by the Commission
4 through rulemaking under this section.

5 (h) EFFECTIVE DATE.—This section shall apply to
6 a covered entity beginning on the date that is 1 year after
7 the date of the enactment of this Act.

Amend the title so as to read: “A bill to require cer-
tain products to be labeled with ‘Do Not Flush’ labeling,
and for other purposes.”.

