
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858 Session of
2017

INTRODUCED BY V. BROWN, MURT, MILLARD, CALTAGIRONE, VAZQUEZ,
BOBACK, KINSEY, HELM, HILL-EVANS, RABB AND SIMS,
OCTOBER 16, 2017

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 16, 2017

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 definitions and for misbranding.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of April 14, 1972 (P.L.233,
15 No.64), known as The Controlled Substance, Drug, Device and
16 Cosmetic Act, is amended by adding a definition to read:

17 Section 2. Definitions.--* * *

18 (b) As used in this act:

19 * * *

20 "Menstrual hygiene product" means a menstrual product,
21 including a menstrual cup, scented, scented deodorized or
22 unscented menstrual pad or tampon, therapeutic vaginal douche

1 apparatus or obstetrical and gynecological device as provided
2 under 21 CFR 884.5400 (relating to menstrual cup), 884.5425
3 (relating to scented or scented deodorized menstrual pad),
4 884.5435 (relating to unscented menstrual pad), 884.5460
5 (relating to scented or scented deodorized menstrual tampon),
6 884.5470 (relating to unscented menstrual tampon) and 884.5900
7 (relating to therapeutic vaginal douche apparatus).

8 * * *

9 Section 2. Section 8 of the act is amended by adding a
10 subsection to read:

11 Section 8. Misbranding.--A controlled substance, other drug
12 or device or cosmetic shall be deemed to be misbranded:

13 * * *

14 (2.1) If it is a device which is a menstrual hygiene product
15 in package form unless it bears a label listing the name of each
16 ingredient or component of the menstrual hygiene product in
17 order of the most predominant ingredient or component to the
18 least predominant ingredient or component.

19 * * *

20 Section 3. This act shall take effect in one year.