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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 487 Session of  
2019

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INTRODUCED BY BOBACK, MURT, PICKETT, MILLARD, McNEILL,  
YOUNGBLOOD, HILL-EVANS, RABB, CALTAGIRONE, KIRKLAND AND  
GILLEN, FEBRUARY 12, 2019

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REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 12, 2019

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

18 Section 2. Definitions.--\* \* \*

19 (b) As used in this act:

20 \* \* \*

21 "Menstrual hygiene product" means a menstrual product,  
22 including, but not limited to, a menstrual cup, scented, scented

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

9 \* \* \*

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

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

14 \* \* \*

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

20 \* \* \*

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