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March 23, 2026

To: The Honorable Pamela Beidle
Chair, Finance Committee
Health Committee

From: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

Re: House Bill 1357 - Consumer Protection - Menstrual Hygiene Products - Labeling Requirements - **OPPOSE**

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supported HB1357 with amendments in the House chamber because the bill, as introduced, advanced transparency and consumer protection by requiring manufacturers of menstrual hygiene products sold in Maryland—including pads, tampons, and menstrual cups—to display a prominent list of all intentionally added ingredients, in order of predominance, directly on each product's packaging. Violations of the proposed statute would have constituted an unfair, abusive, or deceptive trade practice under the Consumer Protection Act (CPA), granting the Attorney General enforcement authority, which includes civil penalties not to exceed \$10,000 for each violation, with consideration of various factors in determining the amount of the penalty. Md. Code Ann., Com. Law § 13-410.

Menstrual hygiene products are widely used and come into direct contact with highly absorptive mucosal tissue, creating potential exposure to chemicals such as PFAS, heavy metals, and other endocrine-disrupting compounds. Recent studies have detected measurable concentrations of 16 metals in 30 tampon samples from 14 brands, with each metal identified in at least one tampon sample — including toxic metals such as lead, for which no level of exposure is considered safe.¹

¹ See, don, Vivian Do, Olgica Balac, et al, Khue Nguyen, Beizhan Yan, Marianthi-Anna Kioumourtzoglou, Kathrin Schilling, *Tampons as a source of exposure to metal(loid)s*, Environment International, Volume 190, 2024,108849, ISSN 0160-4120, <https://doi.org/10.1016/j.envint.2024.108849>.

While research continues to develop on exposure pathways and health risks, findings have prompted other states to act and spurred renewed FDA consideration. In October 2025, the FDA issued draft guidance, [Menstrual Products-Performance Testing and Labeling Recommendations](#), on performance testing and labeling for menstrual products, signaling a shift toward greater understanding of safety concerns, contaminant exposure, and transparency.

Currently, these products are under-regulated compared to other health-related items, leaving consumers without critical information to make informed personal choices. Ingredient transparency helps individuals identify allergens, chemicals, or harmful byproducts that could impact their health. This bill would have ensured consumers know what their menstrual products contain, empowering them to make safer choices and reducing potential health risks.

We must withdraw our support and oppose the bill for several reasons, most notably because the amendments struck the provision subjecting manufacturers to the enforcement and penalty provisions contained in the CPA and substituted a provision limiting civil penalties to an amount not to exceed \$1,000. The amendment eviscerates the deterrent effect the CPA civil penalty provision provides and erodes the ability of the Consumer Protection Division (Division) to adequately protect consumers. The bill also provides that the Division must pay any penalties collected into the General Fund. The Division should be able to recover costs before any money goes to the General Fund to ensure it can recoup its enforcement costs.

These amendments, like the other changes made to the bill, were purportedly made to align implementation dates and definitional sections with other states acting to inform and protect consumers, but they failed to fully align with those other states leaving the bill overly deferential to manufacturers.

The definition of ingredient now means “any added substance in a menstrual product that serves a technical or functional purpose.” But that definition is unclear. In NY, where there has been a labeling law since 2019, a functional or technical effect is further defined to include, but not be limited to, “the components of intentionally added fragrance, flavoring and colorants, and the intentional breakdown products of an added element or compound that also has a functional or technical effect on the finished product.” [2026 Sess. Law of N.Y. Ch. 31 \(A. 9503\)\(effective December 19, 2026\)](#). It is also notable that NY’s recent update to the law bans restricted substances including lead, mercury and related compounds, formaldehyde, triclosan, toluene, talc, dibutyl phthalate, [di(2)exylhexyl] DI(2-ETHYLHEXYL) phthalate, 2-(4-TERTBUTYLBENZYL) PROPIONALDEHYDE (ALSO KNOWN AS butylphenyl methylpropional [and isobu- tyl-, isopropyl-, butyl-,]), ISOBUTYLPARABEN, ISOPROPYLPARABEN, BUTYL- PARABEN, propylparaben, and perfluoroalkyl and polyfluoroalkyl substances.

The bill also allows the manufacturer to hide the name of a proprietary ingredient by listing a common name “to protect confidentiality”. This approach does not give consumers the information they need. Nonbinding October 2025 FDA draft guidance states: “Ingredient information should be presented in a manner that is consistent and easy to access and understand. Ingredient trade names and chemical names may be the most informative way to communicate this

information, as trade names may be the most recognizable to the lay population, and the chemical name allows for a more thorough understanding of the specific chemicals present.” And, while other states allow for exemptions for “confidential business information”, there are significant limitations tied to the exemption.

For example, in California, which has had a labeling law since 2021, “Confidential business information” that is protected from disclosure means an intentionally added ingredient or combination of ingredients for which a claim has been approved by the EPA for inclusion on the Toxic Substances Control Act (TSCA) Confidential Inventory, or for which the manufacturer or its supplier claim protection under the Uniform Trade Secrets Act, but specifically excludes

(1) An intentionally added ingredient or combination of ingredients that is on a designated list, as defined in subdivision (b). *There are 22 items in the designated list.*

(2) A fragrance allergen included on Annex III of the European Union (EU) Cosmetics Regulation No. 1223/2009 or subsequent updates to those regulations, when present in the product at a concentration at or above 0.001 percent (10 parts per million).

[Cal. Health & Safety Code § 111822](#)

It is also notable that effective January 1, 2025, California banned menstrual products that contain regulated PFAS. [Cal. Health & Safety Code § 25258.3](#)

For these reasons, the Office of the Attorney General must oppose HB1357 as amended. The bill significantly weakens enforcement authority by replacing CPA penalties with a capped \$1,000 civil penalty, undermining deterrence and limiting the Consumer Protection Division’s ability to safeguard the public. It also includes unclear ingredient definitions and overly broad confidentiality allowances that fall short of standards adopted in other states, leaving consumers without meaningful transparency. The bill does not provide the protections necessary to ensure that Marylanders can make informed, safe choices about menstrual products.

cc: Delegate Anne R. Kaiser
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