



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4264

Introduced 1/16/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Good Samaritan Menstrual Products Act. Prohibits a person, manufacturer, or distributor from being held liable for damages incurred resulting from any illness or disease contracted by the ultimate user or recipient of an apparently usable menstrual product due to the nature, age, condition, or packaging of the menstrual product that the person, manufacturer, or distributor donates in good faith to a nonprofit organization for ultimate distribution to an individual in need of such menstrual product. Prohibits a nonprofit organization from being held liable for damages incurred resulting from any illness or disease contracted by the ultimate user or recipient of an apparently usable menstrual product due to the condition of the menstrual product. Sets forth exceptions. Effective immediately.

LRB103 35499 LNS 65569 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Good
5 Samaritan Menstrual Products Act.

6 Section 5. Definitions. As used in this Act:

7 "Apparently usable" means, with respect to the product,
8 that the product meets all quality and labeling standards
9 imposed by federal, State, and local laws, rules, and
10 regulations, even if the product may not be readily
11 marketable.

12 "Donor" means a person, manufacturer, or distributor who
13 donates an apparently usable menstrual product to a nonprofit
14 organization.

15 "Menstrual product" means a sanitary napkin, tampon,
16 liner, cup, and any similar item used by an individual with
17 respect to menstruation.

18 Section 10. Donor's immunity from liability.

19 (a) Except as provided in subsection (b), a person,
20 manufacturer, or distributor shall not be subject to civil
21 action based on the theory of warranty, negligence, or strict
22 liability in tort for damages incurred resulting from any

1 illness or disease contracted by the ultimate user or
2 recipient of an apparently usable menstrual product due to the
3 nature, age, condition, or packaging of the menstrual product
4 that the person, manufacturer, or distributor donates in good
5 faith to a nonprofit organization for ultimate distribution to
6 an individual in need of such menstrual product.

7 (b) The immunity provided in subsection (a) shall not
8 apply if:

9 (1) the illness or disease resulted from the willful,
10 wanton, or reckless acts of the donor;

11 (2) the donor had actual or constructive knowledge
12 that the menstrual product was tainted, contaminated, or
13 harmful to the health or well-being of the recipient of
14 the donated menstrual product; or

15 (3) the menstrual product was defective to the extent
16 that they could not be sold to members of the general
17 public; however, if the container of the menstrual product
18 was simply dented or battered does not constitute such a
19 defect so as to preclude the grant of immunity provided by
20 subsection (a).

21 Section 15. Nonprofit organization immunity from
22 liability.

23 (a) Except as provided in subsection (b), a nonprofit
24 organization which in good faith receives menstrual products
25 for free distribution and which reasonably inspects the

1 menstrual product at the time of donation and finds the
2 menstrual product apparently usable for humans shall not be
3 liable in any civil action based on the theory of warranty,
4 negligence, or strict liability in tort, for damages incurred
5 resulting from any illness or disease contracted by the
6 ultimate user or recipient of an apparently usable menstrual
7 product due to the condition of the menstrual product.

8 (b) The immunity provided in subsection (a) shall not
9 apply if:

10 (1) the illness or disease resulted from the willful,
11 wanton, or reckless acts of the nonprofit organization;

12 (2) the nonprofit organization had actual or
13 constructive knowledge that the menstrual product was
14 tainted, contaminated, or harmful to the health or
15 well-being of the recipient of such donated menstrual
16 product; or

17 (3) the menstrual product was defective to the extent
18 that they could not be sold to the members of the general
19 public; however, if the container of the menstrual product
20 was simply dented or battered does not constitute such a
21 defect so as to preclude the grant of immunity provided by
22 subsection (a).

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.