

P.L.2015, CHAPTER 28, *approved March 23, 2015*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 3083

1 **AN ACT** prohibiting manufacture, sale or promotion of personal
2 care products containing microbeads and supplementing Title 58
3 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 “Over the counter drug” means a drug that contains a label which
10 identifies the product as a drug, as required by 21 CFR 201.66. The
11 label shall include:

12 (1) a “Drug Facts” panel; or

13 (2) a statement of the "active ingredient" or "active ingredients"
14 with a list of those ingredients contained in the compound,
15 substance or preparation.

16 “Personal care product” means any article intended to be rubbed,
17 poured, sprinkled, or sprayed on, introduced into, or otherwise
18 applied to the human body for cleansing, beautifying, promoting
19 attractiveness, or altering the appearance, or any item intended for
20 use as a component thereof.

21 “Plastic” means a synthetic material made from linking
22 monomers through a chemical reaction to create an organic polymer
23 chain that can be molded or extruded at high heat into various solid
24 forms retaining their defined shapes during the life cycle and after
25 disposal.

26 “Synthetic plastic microbead” means any intentionally added
27 non-biodegradable, solid plastic particle measuring less than five
28 millimeters in size and used to exfoliate or cleanse in a rinse-off
29 product.

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31 2. a. On or after January 1, 2018, no person shall produce or
32 manufacture in the State a personal care product containing
33 synthetic plastic microbeads, except for an over the counter drug.

34 b. On or after January 1, 2019, no person shall:

35 (1) sell, offer for sale, or offer for promotion in the State a
36 personal care product containing synthetic plastic microbeads,
37 except for an over the counter drug; or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly amendments adopted in accordance with Governor's
recommendations December 11, 2014.

1 (2) produce or manufacture in the State an over the counter drug
2 that contains synthetic plastic microbeads.

3 c. On or after January 1, 2020, no person shall sell, offer for
4 sale, or offer for promotion in the State an over the counter drug
5 containing synthetic plastic microbeads.

6
7 3. a. A person or entity who violates this act shall be subject to
8 a penalty of ¹~~not less than \$1,000 and~~¹ not more than ¹~~[\$10,000]~~
9 \$500¹ for each offense, to be collected ¹by the Commissioner of
10 Environmental Protection¹ in a civil action by a summary
11 proceeding under the “Penalty Enforcement Law of 1999,”
12 P.L.1999, c.274 (C.2A:58-10 et seq.). ¹~~If the violation is of a~~
13 ~~continuing nature, each day during which it continues constitutes an~~
14 ~~additional, separate, and distinct offense.~~¹ The municipal court
15 and Superior Court shall have jurisdiction of proceedings for the
16 enforcement of the penalty provided by this section.

17 b. The Commissioner of Environmental Protection may
18 institute a civil action for injunctive relief to enforce the provisions
19 of section 2 of this act and to prohibit and prevent a violation of this
20 act, and the court may proceed in the action in a summary manner.

21 ¹c. Nothing set forth in this act shall be construed as creating,
22 establishing or authorizing a private cause of action by an aggrieved
23 person against a person who has violated, or is alleged to have
24 violated, the provisions of this act.¹

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26 4. The provisions of this act shall preempt any ordinance or
27 resolution of a municipality, county or any other local government
28 entity concerning synthetic plastic microbeads.

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30 5. This act shall take effect immediately.

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35 Prohibits manufacture, sale or promotion of personal care
36 products containing microbeads.