

SENATE, No. 894

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning paint and coating removal products that contain
2 methylene chloride and supplementing Title 24 of the Revised
3 Statutes.

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

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8 1. a. A person shall not sell or offer for sale in the State any
9 paint or coating removal product that contains methylene chloride
10 (dichloromethane) except as provided in subsection b. of this
11 section.

12 b. A person may sell a paint or coating removal product that
13 contains methylene chloride (dichloromethane) to a person who can
14 demonstrate to the seller that the product will be used only by
15 persons with safety equipment, training on the use of that
16 equipment, and proper handling instructions for methylene chloride
17 consistent with the requirements of 29 C.F.R. s.1910.1051.

18 c. A person who violates this section shall be liable to a civil
19 penalty of up to \$1,000 for each violation, to be collected in a
20 summary proceeding pursuant to the "Penalty Enforcement Law of
21 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a
22 continuing nature, each day during which it continues shall
23 constitute a separate and distinct offense. The municipal court and
24 the Superior Court shall have jurisdiction to enforce the "Penalty
25 Enforcement Law of 1999." The Department of Health or any local
26 health agency may institute a civil action for injunctive relief to
27 enforce this act and to prevent a violation of its provisions, and the
28 court may proceed in the action in a summary manner. Nothing in
29 this act shall be construed to impose liability on any news outlet
30 that accepts or publishes advertising for any product that would
31 otherwise be subject to the provisions of this section.

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33 2. This act shall take effect one year after the date of
34 enactment.

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37 STATEMENT

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39 This bill would prohibit the sale, or offer for sale, of paint or
40 coating removal products that contain methylene chloride (also
41 called dichloromethane), except under certain circumstances. The
42 bill allows a person to sell a paint or coating removal product that
43 contains methylene chloride to a person who can demonstrate to the
44 seller that the product will be used only by persons with safety
45 equipment, training on the use of that equipment, and proper
46 handling instructions for methylene chloride consistent with the
47 standards in federal regulations. Any person who violates the bill's
48 provisions would be liable to a civil penalty of up to \$1,000 for

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- 1 each violation. If the violation is of a continuing nature, each day
- 2 during which it continues would constitute a separate offense.