

CHAPTER 28

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

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

C.58:10A-70 Definitions relative to personal care products containing microbeads.

1. As used in this act:

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

- (1) a “Drug Facts” panel; or
- (2) a statement of the “active ingredient” or “active ingredients” with a list of those ingredients contained in the compound, substance or preparation.

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

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

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

C.58:10A-71 Production, manufacture of personal care product containing synthetic plastic microbeads; prohibited, exceptions.

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

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

- (1) sell, offer for sale, or offer for promotion in the State a personal care product containing synthetic plastic microbeads, except for an over the counter drug; or
- (2) produce or manufacture in the State an over the counter drug that contains synthetic plastic microbeads.

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

C.58:10A-72 Violations, penalties.

3. a. A person or entity who violates this act shall be subject to a penalty of not more than \$500 for each offense, to be collected by the Commissioner of Environmental Protection in a civil action by a summary proceeding under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

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

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

C.58:10A-73 Preemption of ordinance, resolution of local government entity.

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

5. This act shall take effect immediately.

Approved March 23, 2015.