

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL  
RELATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5508**

**STATE OF NEW JERSEY**

DATED: JUNE 22, 2023

The Assembly Oversight, Reform and Federal Relations Committee reports favorably Assembly Bill No. 5508.

This bill would amend current law to allow a person to possess a device or product registered with and approved by the United States Environmental Protection Agency as a bear deterrent spray, provided that the device or product is in its original container and clearly indicates on its label that it is to deter attacks by bears on humans. The possession of such a spray would be subject to all applicable State and federal laws, including but not limited to N.J.S.2C:39-5.

Under current law, a person 18 years of age or older, who has not been convicted of a crime, may possess a small, pocket-sized device capable of spraying a non-lethal chemical substance which causes temporary physical discomfort, also known as pepper spray or mace. The law limits the size of the device to one which contains and releases not more than three-quarters of an ounce of spray. A person possessing a larger quantity would be guilty of a disorderly persons offense and subject to a fine of at least \$100.

The EPA regulates bear spray as a “pesticide” under federal law, and manufacturers of bear spray must register their products with, and receive approval from, the EPA. Bear spray products approved by the EPA have been shown to be an effective, non-lethal deterrent capable of stopping aggressive behavior in bears. To be approved by the EPA, a bear spray device must, among other things, contain a minimum content of 7.6 ounces, which is significantly larger than the maximum content of three-quarters of an ounce allowed under State law. The labels on bear sprays approved by the EPA show the EPA registration and EPA establishment number for the product. However, because bear spray devices contain much more than three-quarters of an ounce of a chemical substance, current State law effectively prohibits the possession of bear spray in New Jersey. Personal defense sprays do not contain the correct active ingredients or have the amount necessary to divert or stop a charging or attacking bear.