

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 940

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2010

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 940.

As amended, Assembly Bill No. 940 prohibits body art establishments from applying temporary tattoos containing paraphenylenediamine (PPD), including “black or blue henna.” In addition, the bill requires body art establishments to provide consumers with written notification of the potential risks of temporary tattoos and requires body art establishments to obtain the permission of a minor’s parent or legal guardian before applying any temporary tattoo.

Recently, temporary tattoos, including “black or blue henna” tattoos, have gained popularity because of their temporary skin coloring properties. However, unlike traditional henna which is made from an organic, plant substance, certain temporary tattoos contain additives including, in some cases, PPD which can unknowingly cause permanent health concerns and scarring. Long term effects include severe dermatitis, eye irritation and tearing, asthma, gastritis, renal failure, vertigo, tremors, convulsions, and coma in humans. Although PPD is also found in hair dye products, textile or fur dyes, photographic developer, printing inks, black rubber, oils, greases, and gasoline, the only legal consumer use of PPD in cosmetics is as a hair dye according to the Food and Drug Administration. PPD is not approved for direct application to the skin.

Under the bill, a person who violates its provisions is subject to the penalties outlined for violations of the State Sanitary Code. As such, each violation constitutes a separate offense, punishable by a fine of \$50 to \$1,000, recoverable via a civil action.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

At the sponsor’s request, the committee amended the bill to clarify that body art establishments are prohibited from applying any temporary tattoo containing paraphenylenediamine, previously the prohibition was limited to “black or blue henna” tattoos.