

ASSEMBLY, No. 5011

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Mukherji and Assemblywoman Swain

SYNOPSIS

Prohibits manufacture, sale, or promotion of consumer products containing microbeads.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2019)

A5011 CONAWAY, MURPHY

2

1 AN ACT prohibiting the manufacture, sale, or promotion of
2 consumer products containing microbeads, and amending
3 P.L.2015, c.28.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.2015, c.28 (C.58:10A-70) is amended to
9 read as follows:

10 1. As used in **[this act]** P.L.2015, c.28 (C.58:10A-70 et seq.):
11 "Consumer product" means any article, product, or commodity,
12 which is customarily produced or distributed for consumption by
13 individuals, or use by individuals for purposes of personal care or in
14 the performance of services ordinarily rendered within the
15 household, and which is designed to be consumed or expended in
16 the course of such consumption or use.

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

20 (1) a "Drug Facts" panel; or
21 (2) a statement of the "active ingredient" or "active ingredients"
22 with a list of those ingredients contained in the compound,
23 substance or preparation.

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

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

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

38 (cf: P.L.2015, c.28, s.1)

39
40 2. Section 2 of P.L.2015, c.28 (C.58:10A-71) is amended to
41 read as follows:

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

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

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.

- 1 (1) sell, offer for sale, or offer for promotion in the State a
2 personal care product containing synthetic plastic microbeads,
3 except for an over the counter drug; or
4 (2) produce or manufacture in the State an over the counter drug
5 that contains synthetic plastic microbeads.
6 c. On or after January 1, 2020, no person shall sell, offer for
7 sale, or offer for promotion in the State an over the counter drug
8 containing synthetic plastic microbeads.
9 d. On or after January 1, 2022, no person shall produce or
10 manufacture, sell, offer for sale, or offer for promotion a consumer
11 product containing synthetic plastic microbeads.
12 (cf: P.L.2015, c.28, s.2)

13
14 3. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill would prohibit the manufacture, sale, and promotion of
20 consumer products containing plastic microbeads, beginning on
21 January 1, 2022. The bill defines "consumer products" as products
22 that are customarily produced for consumption by individuals for
23 personal care or for the performance of services ordinarily rendered
24 within the household, and which are designed to be expended in the
25 course of such use.

26 Microbeads are small plastic particles commonly used to
27 exfoliate or cleanse. Although microbeads are effective abrasive
28 agents, they end up in fresh waters and the ocean, where they are
29 eaten by fish and other wildlife and enter the food chain. Some
30 studies indicate that microbeads may absorb contaminants from the
31 surrounding environment, such as harmful bacteria found in
32 wastewater treatment plants. Microbeads also may contain
33 chemicals left over from the manufacturing process.

34 Current State law prohibits the manufacture, sale, and promotion
35 of personal care products containing microbeads. In addition, the
36 federal "Microbead-Free Waters Act of 2015" prohibits the
37 manufacturing, packaging, and distribution of rinse-off cosmetics
38 containing microbeads. This bill would expand the prohibition to
39 include all consumer products.