

ASSEMBLY, No. 3366

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Requires labeling of non-flushable disposable wipes.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain personal products and supplementing
2 Title 56 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Do Not Flush labeling” means product packaging that includes
9 a “Do Not Flush” logo, pursuant to subsection b. of section 2 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11 “Non-flushable nonwoven disposable wipe product” means any
12 pre-moistened wipe product constructed from nonwoven sheets and
13 designed and marketed for diapering, personal hygiene, or bathroom
14 surface cleaning purposes. A non-flushable nonwoven disposable
15 wipe product excludes any wipe product designed and marketed for
16 purposes of removing feces, urine, or menses from the human body
17 and labeled “flushable,” “sewer safe,” “septic safe,” or otherwise
18 indicating that the product is appropriate for disposal in a toilet,
19 including, but not limited to, pre-moistened toilet tissue.

20 “Product packaging” means the disposable outer material such as
21 cardboard, film plastic, rigid plastic tub or canister, or paper that
22 contains the unit of product as intended for sale at retail.

23
24 2. a. A person shall not sell, offer for sale, or distribute for
25 sale a non-flushable nonwoven disposable wipe product unless the
26 product packaging displays the Do Not Flush labeling required
27 pursuant to subsection b. of this section.

28 b. Any non-flushable nonwoven disposable wipe product sold,
29 offered for sale, or distributed for sale in this State shall have a “Do
30 Not Flush” logo on the product packaging, which shall:

31 (1) depict a person dropping an item into a toilet with a circle
32 and diagonal line superimposed over the image, to indicate that
33 flushing the item is prohibited;

34 (2) be sized in proportion to the packaging, as follows:

35 (a) for packaging with a primary display panel of up to five
36 square inches, a diameter of at least 0.25 inch;

37 (b) for packaging with a primary display panel of at least five
38 square inches and up to 25 square inches, a diameter of at least
39 0.375 inch;

40 (c) for packaging with a primary display panel of at least 25
41 square inches and up to 45 square inches, a diameter of at least 0.6
42 inch;

43 (d) for packaging with a primary display panel of at least 45
44 square inches and up to 75 square inches, a diameter of at least 0.75
45 inch;

46 (e) for packaging with a primary display panel of at least 75
47 square inches and up to 90 square inches, a diameter of at least one
48 inch; and

1 (f) for packaging with a primary display panel of at least 90
2 square inches, a diameter of at least one inch;

3 (3) be unobscured by seams or folds; and

4 (4) for product packaging intended to dispense individual wipes,
5 be permanently affixed to the product packaging in a location that is
6 visible when individual wipes are dispensed from the product
7 packaging.

8 c. The Department of Environmental Protection and the
9 Division of Consumer Affairs in the Department of Law and Public
10 Safety shall enforce the provisions of this section.

11 d. Nothing in this section shall apply to non-flushable
12 nonwoven disposable wipe products without Do Not Flush labeling
13 or without indicating the products are not flushable, that are:

14 (1) advertised, broadcasted, printed, or otherwise published in
15 an advertisement, by a television or radio broadcasting station,
16 Internet website, or publisher of a newspaper, magazine, or other
17 media advertiser; or

18 (2) sold, offered for sale, or distributed by a retailer or
19 wholesaler that does not package or label the non-flushable
20 nonwoven disposable wipe products.

21
22 3. Any person who violates this act shall be subject to a civil
23 penalty of up to \$5,000 for each offense, to be collected in a civil
24 action by summary proceeding pursuant to the "Penalty
25 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
26 If the violation is of a continuing nature, each day during which a
27 non-flushable nonwoven disposable wipe product is sold, offered
28 for sale, or distributed in violation of P.L. , c. (C.) (pending
29 before the Legislature as this bill) shall constitute a separate
30 offense. The Superior Court and the municipal court, as
31 appropriate, shall have jurisdiction to enforce the provisions of the
32 "Penalty Enforcement Law of 1999."

33
34 4. The Department of Environmental Protection shall adopt,
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.), rules and regulations necessary to implement
37 this act.

38
39 5. This act shall take effect two years after the date of
40 enactment, but the Commissioner of Environmental Protection may
41 take any anticipatory administrative action in advance thereof as
42 shall be necessary for implementation of this act.

43 44 STATEMENT

45
46 This bill requires non-flushable disposable wipes to be labeled,
47 and prohibits the sale, offering for sale, or distribution for sale of
48 these products without "Do Not Flush" labeling. The bill defines a

1 “non-flushable nonwoven disposable wipe product” to mean any
2 pre-moistened wipe product constructed from nonwoven sheets and
3 designed and marketed for diapering, personal hygiene, or bathroom
4 surface cleaning purposes. A non-flushable nonwoven disposable
5 wipe product excludes any wipe product that is “flushable,” “sewer
6 safe,” “septic safe,” or otherwise appropriate for disposal in a toilet,
7 including, but not limited to, pre-moistened toilet tissue.

8 Any non-flushable nonwoven disposable wipe product sold,
9 offered for sale, or distributed for sale in this State would be
10 required to have a “Do Not Flush” logo on the product packaging,
11 which would:

12 (1) depict a person dropping an item into a toilet with a circle
13 and diagonal line superimposed over the image, to indicate that
14 flushing the item is prohibited;

15 (2) be sized in proportion to the size of the packaging;

16 (3) be unobscured by seams or folds; and

17 (4) for product packaging intended to dispense individual wipes,
18 be permanently affixed to the product packaging and visible when
19 individual wipes are dispensed.

20 The Department of Environmental Protection and the Division of
21 Consumer Affairs in the Department of Law and Public Safety are
22 to enforce the bill’s provisions. The bill would not apply to media
23 advertisements or retailers who sell non-flushable disposable wipe
24 products that are not properly labeled.

25 Violations of the bill’s provisions would be subject to a civil
26 penalty of up to \$5,000 for each offense. Each day during which a
27 nonwoven disposable product is sold, offered for sale, or distributed
28 in violation of the bill’s provisions would constitute a separate
29 offense.