

**13:1E-99.119 to 13:1E-99.121
LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2019 **CHAPTER:** 114

NJSA: 13:1E-99.119 to 13:1E-99.121 (Prohibits sale or distribution of products containing asbestos.)

BILL NO: A4416 (Substituted for S3262)

SPONSOR(S) Lisa Swain and others

DATE INTRODUCED: 9/13/2018

COMMITTEE: **ASSEMBLY:** Environment & Solid Waste

SENATE: Environment & Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/25/2019

SENATE: 2/21/2019

DATE OF APPROVAL: 5/10/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A4416

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S3262

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2019, CHAPTER 114, *approved May 10, 2019*
Assembly, No. 4416 (*First Reprint*)

1 AN ACT concerning the sale or distribution of products containing
2 asbestos, and supplementing Title 13 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. a. No person shall sell, offer for sale, or distribute in the
8 State any product that contains asbestos.

9 b. ¹Nothing in this act shall be construed to impose liability on
10 any news media that accept or publish advertising for any product
11 that would otherwise be subject to the provisions of this section.

12 c.¹ As used in this section: "asbestos" means the same as the
13 term is defined in section 3 of P.L.1984, c.173 (C.34:5A-34).

14
15 2. a. The Department of Environmental Protection shall
16 establish a public education program to assure the widespread
17 dissemination of information concerning the prohibition contained
18 in section 1 of this act.

19 b. The department shall have the right to enter, at any time
20 during normal business hours, and upon presentation of appropriate
21 credentials, any retail establishment in order to determine
22 compliance with the provisions of this act.

23
24 3. a. Any person convicted of a violation of this act shall be
25 subject to a penalty of up to \$2,500 for each offense, to be collected
26 by the State in a civil action by a summary proceeding under the
27 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
28 et seq.). The Superior Court and the municipal court shall have
29 jurisdiction over proceedings for the enforcement of the penalty
30 provided by this section.

31 b. The department may institute a civil action for injunctive
32 relief in the Superior Court to enforce this act and to prohibit and
33 prevent a violation of this act, and the court may proceed in the
34 action in a summary manner.

35
36 4. This act shall take effect on the first day of the fourth month
37 following the date of enactment.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted January 24, 2019.

A4416 [1R]

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Prohibits sale or distribution of products containing asbestos.

ASSEMBLY, No. 4416

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2018

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

**Assemblyman Johnson, Assemblywoman Pinkin, Assemblyman Moriarty,
Assemblywoman McKnight and Assemblyman Schaer**

SYNOPSIS

Prohibits sale or distribution of products containing asbestos.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning the sale or distribution of products containing
2 asbestos, and supplementing Title 13 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. a. No person shall sell, offer for sale, or distribute in the
8 State any product that contains asbestos.

9 b. As used in this section: "asbestos" means the same as the
10 term is defined in section 3 of P.L.1984, c.173 (C.34:5A-34).

11

12 2. a. The Department of Environmental Protection shall
13 establish a public education program to assure the widespread
14 dissemination of information concerning the prohibition contained
15 in section 1 of this act.

16 b. The department shall have the right to enter, at any time
17 during normal business hours, and upon presentation of appropriate
18 credentials, any retail establishment in order to determine
19 compliance with the provisions of this act.

20

21 3. a. Any person convicted of a violation of this act shall be
22 subject to a penalty of up to \$2,500 for each offense, to be collected
23 by the State in a civil action by a summary proceeding under the
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
25 et seq.). The Superior Court and the municipal court shall have
26 jurisdiction over proceedings for the enforcement of the penalty
27 provided by this section.

28 b. The department may institute a civil action for injunctive
29 relief in the Superior Court to enforce this act and to prohibit and
30 prevent a violation of this act, and the court may proceed in the
31 action in a summary manner.

32

33 4. This act shall take effect on the first day of the fourth month
34 following the date of enactment.

35

36

37

STATEMENT

38

39 This bill would prohibit the sale, offering for sale, or distribution
40 of products containing asbestos in New Jersey. The prohibition in
41 the bill would take effect on the first day of the fourth month after
42 the bill is enacted into law.

43 The bill would also grant the DEP authority to enter, during
44 normal business hours, and upon presentation of appropriate
45 credentials, any retail establishment in order to determine
46 compliance.

1 Under the bill, a person who violates this bill would be subject to
2 a penalty of up to \$2,500 for each offense. The bill would also
3 allow the DEP to seek an injunction against a violator.

4 Asbestos is a mineral fiber that occurs in rock and soil. Because
5 of its fiber strength and heat resistance, asbestos has been used in a
6 variety of building construction materials for insulation and as a fire
7 retardant. Asbestos has also been used in a wide range of
8 manufactured goods, mostly in building materials (roofing shingles,
9 ceiling and floor tiles, paper products, and asbestos cement
10 products), friction products (automobile clutch, brake, and
11 transmission parts), heat-resistant fabrics, packaging, gaskets, and
12 coatings. While most uses of asbestos are banned by federal
13 regulation, some uses of asbestos are not banned in the United
14 States.

15 Exposure to asbestos increases the risk of developing lung
16 disease. In general, the greater the exposure to asbestos, the greater
17 the chance of developing harmful health effects, such as: lung
18 cancer; mesothelioma, a rare form of cancer that is found in the thin
19 lining of the lung, chest, abdomen, and heart; and asbestosis, a
20 serious progressive, long-term, non-cancer disease of the lungs.

21 The United States Environmental Protection Agency recently
22 adopted a new rule that may allow the manufacture of new products
23 containing asbestos on a case-by-case basis. Due to the well-known
24 and devastating health effects of exposure to asbestos, it is
25 appropriate for this State to act to prohibit the sale or distribution of
26 products containing asbestos in the State.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4416

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2018

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4416.

This bill would prohibit the sale, offering for sale, or distribution of products containing asbestos in New Jersey. The prohibition in the bill would take effect on the first day of the fourth month after the bill is enacted into law.

The bill would also grant the Department of Environmental Protection (DEP) authority to enter, during normal business hours, and upon presentation of appropriate credentials, any retail establishment in order to determine compliance.

Under the bill, a person who violates this bill would be subject to a penalty of up to \$2,500 for each offense. The bill would also allow the DEP to seek an injunction against a violator.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4416

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2019

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 4416 with committee amendments.

This bill would prohibit the sale, offer for sale, or distribution of products containing asbestos in New Jersey. The prohibition in the bill would take effect on the first day of the fourth month after the bill is enacted into law. The bill would also grant the DEP authority to enter, during normal business hours, and upon presentation of appropriate credentials, any retail establishment in order to determine compliance. Under the bill, a person who violates this bill would be subject to a penalty of up to \$2,500 for each offense. The bill would also allow the DEP to seek an injunction against a violator.

The committee amendment to the bill provides that nothing in the bill shall be construed to impose liability on any news media that accept or publish advertising for any product that would otherwise be subject to the provisions of the bill.

This bill, as amended and reported by the committee, is identical to Senate Bill No. 3262, as also amended and reported by the committee.

SENATE, No. 3262

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED DECEMBER 6, 2018

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits sale or distribution of products containing asbestos.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning the sale or distribution of products containing
2 asbestos, and supplementing Title 13 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. a. No person shall sell, offer for sale, or distribute in the
8 State any product that contains asbestos.

9 b. As used in this section: "asbestos" means the same as the
10 term is defined in section 3 of P.L.1984, c.173 (C.34:5A-34).

11

12 2. a. The Department of Environmental Protection shall
13 establish a public education program to assure the widespread
14 dissemination of information concerning the prohibition contained
15 in section 1 of this act.

16 b. The department shall have the right to enter, at any time
17 during normal business hours, and upon presentation of appropriate
18 credentials, any retail establishment in order to determine
19 compliance with the provisions of this act.

20

21 3. a. Any person convicted of a violation of this act shall be
22 subject to a penalty of up to \$2,500 for each offense, to be collected
23 by the State in a civil action by a summary proceeding under the
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
25 et seq.). The Superior Court and the municipal court shall have
26 jurisdiction over proceedings for the enforcement of the penalty
27 provided by this section.

28 b. The department may institute a civil action for injunctive
29 relief in the Superior Court to enforce this act and to prohibit and
30 prevent a violation of this act, and the court may proceed in the
31 action in a summary manner.

32

33 4. This act shall take effect on the first day of the fourth month
34 following the date of enactment.

35

36

37

STATEMENT

38

39 This bill would prohibit the sale, offering for sale, or distribution
40 of products containing asbestos in New Jersey. The prohibition in
41 the bill would take effect on the first day of the fourth month after
42 the bill is enacted into law.

43 The bill would also grant the DEP authority to enter, during
44 normal business hours, and upon presentation of appropriate
45 credentials, any retail establishment in order to determine
46 compliance.

1 Under the bill, a person who violates this bill would be subject to
2 a penalty of up to \$2,500 for each offense. The bill would also
3 allow the DEP to seek an injunction against a violator.

4 Asbestos is a mineral fiber that occurs in rock and soil. Because
5 of its fiber strength and heat resistance, asbestos has been used in a
6 variety of building construction materials for insulation and as a fire
7 retardant. Asbestos has also been used in a wide range of
8 manufactured goods, mostly in building materials (roofing shingles,
9 ceiling and floor tiles, paper products, and asbestos cement
10 products), friction products (automobile clutch, brake, and
11 transmission parts), heat-resistant fabrics, packaging, gaskets, and
12 coatings. While most uses of asbestos are banned by federal
13 regulation, some uses of asbestos are not banned in the United
14 States.

15 Exposure to asbestos increases the risk of developing lung
16 disease. In general, the greater the exposure to asbestos, the greater
17 the chance of developing harmful health effects, such as: lung
18 cancer; mesothelioma, a rare form of cancer that is found in the thin
19 lining of the lung, chest, abdomen, and heart; and asbestosis, a
20 serious progressive, long-term, non-cancer disease of the lungs.

21 The United States Environmental Protection Agency recently
22 adopted a new rule that may allow the manufacture of new products
23 containing asbestos on a case-by-case basis. Due to the well-known
24 and devastating health effects of exposure to asbestos, it is
25 appropriate for this State to act to prohibit the sale or distribution of
26 products containing asbestos in the State.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3262

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3262 with committee amendments.

This bill would prohibit the sale, offer for sale, or distribution of products containing asbestos in New Jersey. The prohibition in the bill would take effect on the first day of the fourth month after the bill is enacted into law. The bill would also grant the DEP authority to enter, during normal business hours, and upon presentation of appropriate credentials, any retail establishment in order to determine compliance. Under the bill, a person who violates this bill would be subject to a penalty of up to \$2,500 for each offense. The bill would also allow the DEP to seek an injunction against a violator.

The committee amendment to the bill provides that nothing in the bill shall be construed to impose liability on any news media that accept or publish advertising for any product that would otherwise be subject to the provisions of the bill.

This bill, as amended and reported by the committee, is identical to Assembly Bill No. 4416, as also amended and reported by the committee.



Newark, N.J.

Governor Murphy Takes Action on Legislation

05/10/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

A2810 (Greenwald, Murphy/Pou) - Requires active supervision of certain professional and occupational licensing boards.

A4285 (Lopez, Quijano, Armato/Vitale, Singleton) - Requires Commissioner of Health to develop voluntary registry to collect cancer incidence data from firefighters.

A4416 (Swain, Karabinchak, Timberlake/Kean, Greenstein) - Prohibits sale or distribution of products containing asbestos.

A4500 (Verrelli, Mejia, Speight/Ruiz, Greenstein) - Directs NJ State Council on Arts to create and disseminate best practices guide for at-risk youth arts programs; requires council to assist government entities creating programs that adopt best practices.

A4578 (Land, Andrzejczak, McKeon/Smith, Greenstein) - Makes supplemental appropriation of \$50 million from General Fund to DEP and adds language provisions concerning use of certain environmental settlement monies for natural resource restoration projects.

A4612 (Jimenez, Mejia, Giblin/Cryan) - Codifies State-specific exam requirement for land surveyor license.

A4799 (Lopez, Coughlin, Benson/Vitale, Ruiz) - Permits self-administration of hydrocortisone sodium succinate by students for adrenal insufficiency and requires that school districts and nonpublic schools establish policy for emergency administration of medication.

A5034 (Pinkin/Smith) - Authorizes sale and conveyance of certain State-owned real property in Stafford Township, Ocean County to US Fish and Wildlife Service.

S52 (Singleton, Gill/Caputo, Webber, Murphy) - Requires disclosure of breach of security of online account.

S455 (Addiego, Singleton/Murphy, Dancer, Rooney) - Requires disclosure of identifying information prior to sale of horse at auction.

S515 (Kean, Sarlo/Munoz, Johnson, Bucco) - Exempts sales of certain materials used in industrial sand casting processes from sales and use tax.

S542 (Oroho, Singleton/Tucker, Wirths, Space) - Designates High Point State Park as High Point State Park and New Jersey Veterans Memorial.

S604 (Smith/Pinkin) - Provides that electric power supplier license issued by BPU may be renewed without expiring if certain conditions are met.

S605 (Smith/Pinkin, McKeon) - Provides that natural gas supplier license issued by BPU may be renewed without expiring if certain conditions are met.

S875 (Sweeney, Greenstein/Vainieri Huttle, Munoz, Murphy) - Establishes the "Sexual Assault Victim's Bill of Rights."

S1729 (Thompson, Quijano/Jones, Barclay) - Designates *Streptomyces griseus* as New Jersey State Microbe.

S2676 (Bucco, Lagana/Schaer, Calabrese, Tully) - Requires boards of education and nonpublic schools to provide law enforcement authorities with copies of blueprints and maps of schools and school grounds.

S2707 (Ruiz, Madden/Lampitt, Vainieri Huttle, Armato) - Establishes task force within DOE on prevention of sexual abuse of children.

S2709 (Ruiz, Madden/Mukherji, Lampitt, Chiaravalloti, Vainieri Huttle, Armato) - Provides that certain persons who commit act of sexual penetration or sexual contact with students who are at least 18 but less than 22 years old are guilty of sexual assault or criminal sexual assault.

S2711 (Ruiz, Madden/Lampitt, Vainieri Huttle, Jones) - Mandates child abuse and sexual abuse training for all candidates for teaching certification.

S2720 (Diegnan, Scutari/Johnson, Quijano, Murphy) - Requires autocycles to be insured by PIP coverage to pedestrians.

SJR101 (Gopal/Pintor Marin, Houghtaling, Downey) - Designates March 15 of each year as Peter Francisco Day in New Jersey.

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