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CL/MM

CHAPTER 280

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.56:3-50 Definitions.

1. As used in this act:

"Covered entity" means (1) the manufacturer of a covered product that is sold or offered for sale in this State; and (2) a wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

"Covered product" means a consumer product sold or offered for sale in this State that is (1) a premoistened nonwoven disposable wipe marketed as a baby wipe or diapering wipe; or (2) a premoistened nonwoven disposable wipe that contains petrochemical-derived fibers that is likely to be used in a bathroom, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

"Do Not Flush labeling" means product packaging that includes a "Do Not Flush" symbol and label notice in accordance with subsection b. of section 2 of P.L.2023, c.280 (C.56:3-51).

"High contrast" means a light symbol on a solid dark background or a dark symbol on a solid light background and having at least 70 percent contrast between the symbol artwork and background using the formula $[(B1 - B2) / B1] * 100$, where B1 is the light reflectance value of the light background, and B2 is the light reflectance value of the dark background or symbol.

"Label" means to represent by statement, word, picture, design, or emblem on a covered product package.

"Label notice" means the phrase "Do Not Flush" in a size equal to at least two percent of the surface area of the principal display panel, except as otherwise specified in subsection b. of section 2 of P.L.2023, c.280 (C.56:3-51); provided, however, for covered products regulated pursuant to the Federal Hazardous Substances Act (15 U.S.C. s.1261 et seq.) by the United States Consumer Product Safety Commission under 16 CFR s.100.121, if the label notice requirements in this paragraph would result in a type size larger than first aid instructions under the Federal Hazardous Substances Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for first aid instructions; and for a covered product required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. s.136 et seq.) if the label notice requirements in this paragraph would result in a type size on the principal display panel larger than a warning pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for a child hazard warning required by the Environmental Protection Agency.

"Non-flushable disposable wipe product" means (1) a pre-moistened nonwoven disposable wipe marketed as a baby wipe or diapering wipe; or (2) a pre-moistened nonwoven disposable wipe that is composed partly or entirely of petrochemical-derived fibers which may reasonably be used in a bathroom and shall include, but not be limited to, baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing and other sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

"Principal display panel" means the side of the product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale; provided, however, for a cylindrical or nearly cylindrical package, the surface area of the principal display panel shall constitute 40 percent of the product package as measured by multiplying the height of the container by the circumference; and for a flexible film package in which a rectangular prism or nearly rectangular prism stack of wipes is housed within the film, the surface area of the principal display panel shall be measured by multiplying the length and width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

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

"Symbol" means a "Do Not Flush" symbol, or its gender equivalent, as depicted in the INDA/EDANA Code of Practice, Second Edition, as published in "Guidelines for Assessing the Flushability of Disposable Nonwoven Products," Edition 4, May 2018, in a size equal to at least two percent of the surface area of the principal display panel, except as otherwise specified in section 2 of P.L.2023, c.280 (C.56:3-51).

C.56:3-51 Non-flushable disposable wipe product, packaging display, Do Not Flush symbol.

2. a. A covered entity shall not sell, offer for sale, or distribute for sale a non-flushable disposable wipe product unless the product packaging displays the Do Not Flush symbol and label notice required pursuant to the provisions of this section.

b. Any non-flushable disposable wipe product sold, offered for sale, or distributed for sale in this State shall have a "Do Not Flush" symbol and label notice or its equivalent. A covered product manufactured after the effective date of this act shall be clearly and conspicuously labeled with a symbol and label notice. Except as otherwise provided in this section, both the symbol and label notice, respectively, shall be sized equal to at least two percent of the surface area of the principal display panel in accordance with the following requirements:

(1) for cylindrical or nearly cylindrical packaging intended to dispense individual wipes, a covered entity shall:

(a) place the symbol and label notice on the principal display panel in a location that is reasonably viewable each time a wipe is dispensed; or

(b) place the symbol on the principal display panel and either the symbol or label notice, or the symbol and label notice in combination, on the flip lid subject to the following requirements:

(i) if the label notice does not appear on the flip lid, the label notice must be placed on the principal display panel;

(ii) the symbol or label notice, or the symbol and label notice in combination, on the flip lid may be embossed, in which case the symbol or label notice, or the symbol and label notice in combination, do not need to comply with the requirements set forth in paragraph (6) of this subsection; and

(iii) the symbol or label notice, or the symbol and label notice in combination, on the flip lid shall cover a minimum of eight percent of the surface area of the flip lid;

(2) for flexible film packaging intended to dispense individual wipes, a covered entity shall place the symbol on the principal display panel and dispensing side panel and place the label notice on either the principal display panel or dispensing side panel, in a prominent location reasonably visible to the user each time a wipe is dispensed. If the principal display panel is on the dispensing side of the package, two symbols are not required;

(3) for refillable tubs or other rigid packaging intended to dispense individual wipes and be reused by the consumer for that purpose, a covered entity shall place the symbol and label

notice on the principal display panel in a prominent location reasonably visible to the user each time a wipe is dispensed;

(4) for packaging not intended to dispense individual wipes, a covered entity shall place the symbol and label notice on the principal display panel in a prominent and reasonably visible location;

(5) a covered entity shall ensure that the packaging seams, folds, or other package design elements do not obscure the symbol and the label notice;

(6) a covered entity shall ensure that the symbol and the label notice have sufficiently high contrast with the immediate background of the packaging to render the symbol and label notice reasonably likely to be seen and read by the ordinary individual under customary conditions of purchase and use;

(7) for covered products sold in bulk at retail, both the outer package visible at retail and the individual packages contained within shall comply with the labeling requirements set forth in this subsection that apply to the particular packaging types, except the following:

(a) individual packages contained within the outer package that are not intended to dispense individual wipes and contain no retail labeling; and

(b) outer packages that do not obscure the symbol and label notice on individual packages contained within;

(8) if a covered product is provided within the same packaging as another consumer product for use in combination with the other consumer product, the outside retail packaging of the other consumer product does not need to comply with the labeling requirements of this subsection;

(9) if a covered product is provided within the same package as another consumer product for use in combination with the other product and is in a package smaller than three inches by three inches, the covered entity of the covered product may comply with the requirements of this subsection by placing the symbol and label notice in a prominent location reasonably likely to be seen and read by the ordinary individual under customary conditions;

(10) a covered entity, directly or through a corporation, partnership, subsidiary, division, trade name, or association in connection to the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of a covered product, shall not make any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, illustration, trademark, or trade name, about the flushable attributes, flushable benefits, flushable performance, or flushable efficacy of a covered product;

(11) if a covered product is required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. s.136 et seq.) and the New Jersey Department of Agriculture under State law, then the covered entity shall submit a label compliant with the labeling requirements of this subsection no later than January 1, 2024, to the United States Environmental Protection Agency. If the United States Environmental Protection Agency or the New Jersey Department of Agriculture does not approve a product label that otherwise complies with the labeling requirements of this subsection, the covered entity shall use a label that complies with as many of the requirements of this subsection as the relevant agency has approved; and

(12) a covered entity may include on a covered product words or phrases in addition to those required for the label notice if the words or phrases are consistent with the purposes of this act.

c. The Division of Consumer Affairs in the Department of Law and Public Safety shall enforce the provisions of this section.

d. Nothing in this section shall apply to non-flushable disposable wipe products that are sold, offered for sale, or distributed by a retailer or wholesaler that does not package or label the non-flushable disposable wipe products.

C.56:3-52 Violations, penalties.

3. A covered entity who violates this act shall be subject to a civil penalty of up to \$5,000 for each offense, to be collected in a civil action by summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a continuing nature, each day during which a non-flushable disposable wipe product is sold, offered for sale, or distributed in violation of P.L.2023, c.280 (C.56:3-50 et seq.) shall constitute a separate offense. The Superior Court and the municipal court, as appropriate, shall have jurisdiction to enforce the provisions of the “Penalty Enforcement Law of 1999.”

4. The Division of Consumer Affairs in the Department of Law and Public Safety may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement this act.

5. This act shall take effect two years after the date of enactment, but the Division of Consumer Affairs in the Department of Law and Public Safety may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2024.

SENATE, No. 3632

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 23, 2023

Sponsored by:

Senator 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

45 STATEMENT

46
47 This bill requires non-flushable disposable wipes to be labeled,
48 and prohibits the sale, offering for sale, or distribution for sale of

S3632 JOHNSON

1 these products without “Do Not Flush” labeling. The bill defines a
2 “non-flushable nonwoven disposable wipe product” to mean any
3 pre-moistened wipe product constructed from nonwoven sheets and
4 designed and marketed for diapering, personal hygiene, or bathroom
5 surface cleaning purposes. A non-flushable nonwoven disposable
6 wipe product excludes any wipe product that is “flushable,” “sewer
7 safe,” “septic safe,” or otherwise appropriate for disposal in a toilet,
8 including, but not limited to, pre-moistened toilet tissue.

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

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

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

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

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

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

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

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 3632 and 3649**

STATE OF NEW JERSEY

DATED: MAY 15, 2023

The Senate Commerce Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 3632 and 3649.

This bill requires non-flushable disposable wipes to be labeled, and prohibits the sale, offering for sale, or distribution for sale of these products without “Do Not Flush” labeling. The bill defines a “non-flushable disposable wipe product” to mean (1) a pre-moistened nonwoven disposable wipe marketed as a baby wipe; or (2) a pre-moistened nonwoven disposable wipe that is composed partly or entirely of petrochemical-derived fibers which may reasonably be used in a bathroom and which are to include, but not be limited to, baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing and other sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes. Any non-flushable disposable wipe product sold, offered for sale, or distributed for sale in this State would be required to have a “Do Not Flush” logo on the product packaging in accordance with the provisions of this bill.

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

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

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 3632 and 3649

with Senate Floor Amendments
(Proposed by Senator JOHNSON)

ADOPTED: MAY 22, 2023

The Senate Committee Substitute for Senate Bill Nos. 3632 and 3649 requires labeling of non-flushable disposable wipes.

These Senate amendments revise the definition of “label notice” to clarify that a label notice is required to contain the phrase “Do Not Flush,” not the “Do Not Flush” symbol, and that “symbol” is separately defined. In addition, the Senate amendments make certain technical changes.

ASSEMBLY, No. 1948

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

SYNOPSIS

Requires labeling of non-flushable disposable wipes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/30/2023)

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

45

STATEMENT

46

47 This bill requires non-flushable disposable wipes to be labeled,
48 and prohibits the sale, offering for sale, or distribution for sale of

1 these products without “Do Not Flush” labeling. The bill defines a
2 “non-flushable nonwoven disposable wipe product” to mean any
3 pre-moistened wipe product constructed from nonwoven sheets and
4 designed and marketed for diapering, personal hygiene, or bathroom
5 surface cleaning purposes. A non-flushable nonwoven disposable
6 wipe product excludes any wipe product that is “flushable,” “sewer
7 safe,” “septic safe,” or otherwise appropriate for disposal in a toilet,
8 including, but not limited to, pre-moistened toilet tissue.

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

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

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

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

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

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

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

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1948

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2023

The Assembly Consumer Affairs Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 1948.

As reported by the committee, this committee substitute requires non-flushable disposable wipes to be labeled, and prohibits the sale, offering for sale, or distribution for sale of these products without “Do Not Flush” labeling. The bill defines a “non-flushable disposable wipe product” to mean (1) a pre-moistened nonwoven disposable wipe marketed as a baby wipe; or (2) a pre-moistened nonwoven disposable wipe that is composed partly or entirely of petrochemical-derived fibers which may reasonably be used in a bathroom and which are to include, but not be limited to, baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing and other sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes. Any non-flushable disposable wipe product sold, offered for sale, or distributed for sale in this State would be required to have a “Do Not Flush” logo on the product packaging in accordance with the provisions of this bill.

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

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

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, Assembly Bill No. 1948 is identical to Senate Bill Nos. 3632 and 3649 (SCS/1R), as amended by the Senate on May 22, 2023.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3632
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 3632 (First Reprint) with my recommendations for reconsideration.

This bill would require that non-flushable disposable wipes sold in New Jersey be marked with prominent "Do Not Flush" labels. The bill contains detailed labeling requirements designed to ensure that the labels are clearly visible to consumers. Manufacturers of covered products, as well as wholesalers, suppliers, or retailers who are responsible for product labeling, must ensure that their products are labeled in accordance with these requirements or face penalties of up to \$5,000 for each offense. The bill would give the Department of Environmental Protection ("DEP") and the Division of Consumer Affairs in the Department of Law and Public Safety ("DCA") joint responsibility for enforcing the bill's requirements, and would require the DEP to promulgate rules to implement it.

Non-flushable disposable wipes are made of synthetic materials that do not break down easily. As a result, when these single-use products are flushed down the toilet, they can cause clogs in home and sewer system plumbing, damage wastewater treatment facility machinery, and create significant maintenance and disposal costs for wastewater systems. I commend the sponsors of this bill for taking action to address this issue and establishing labeling requirements that make it clear to New Jersey residents that flushing is not a proper disposal method for these products.

While I am pleased to support this legislation, I am recommending, in consultation with the bill's sponsors, that it be revised to place all enforcement responsibility with DCA and to allow DCA to determine whether rulemaking is necessary to fulfill its obligations. Although DEP is responsible for licensing wastewater system operators and ensuring that wastewater discharges meet standards necessary to protect human health and the environment, this bill involves regulation of consumer products, not wastewater systems, and is therefore properly within the sole authority of DCA.

Therefore, I herewith return Senate Committee Substitute for Senate Bill No. 3632 (First Reprint) and recommend that it be amended as follows:

Page 6, Section 2, Line 8: Delete "Department of Environmental Protection and the"

Page 6, Section 4, Line 28: Delete "Department of Environmental Protection shall" and insert "Division of Consumer Affairs in the Department of Law and Public Safety may"

Page 6, Section 5, Line 34: Delete "Commissioner of Environmental Protection" and insert "Division of Consumer Affairs in the Department of Law and Public Safety"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

01/16/2024

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

SCS for S-281/ACS for A-3791 (Greenstein, Turner/Sumter, Reynolds-Jackson) – w/STATEMENT - Concerns automatic fire sprinkler systems within newly constructed townhouses
[Copy of Statement](#)

S-539wGR/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera) - Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery ch

S-659/A-2014 (Oroho, Greenstein/Conaway, Wirths, Umba) - "Manufacturing in Higher Education Act"; requires various State entities to promote manufacturing career pathways students and provides assistance to manufacturing industry

S-1110/A-3936 (Polistina, Singleton/Guardian, Swift, McClellan) - Authorizes CRDA to finance transportation projects between Atlantic City Airport and Atlantic City Tourism Dis

S-1662/A-3526 (Ruiz, Codey/Lampitt, Benson, Sauickie) - Requires NJ Youth Suicide Prevention Advisory Council to prepare report regarding suicide prevention instruction in pu schools

S-1680wGR/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly) - Designates each community college in State as provider of allowable services under SNAP employment and training program

S-2076/ACS for A-3319 (Zwicker, Greenstein/McKnight, Lampitt) - Establishes "Twelfth Grade Postsecondary Transition Year Pilot Program" in Department of Education

S-2535wGR/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter) - Requires health benefits coverage of hearing aids and cochlear implants

S-2841/A-4292 (Scutari, Bramnick/Carter) - Raises minimum amount of liability coverage for commercial motor vehicles and autocabs

SCS for S-3080/ACS for-398 (Ruiz, Burgess/Caputo, Giblin, Tucker) - Establishes position of Youth Disconnection Prevention and Recovery Ombudsperson; establishes "School Disconnection Prevention Task Force"; appropriates \$200,000

S-3102/A-4715 (Smith, Singleton/Stanley, Benson) - Establishes uptime requirement for electric vehicle charging station incentive programs

S-3176/A-4760 (Greenstein, Smith/Swain, Haider, Tully) - Requires DEP and Drinking Water Quality Institute to perform study concerning regulation and treatment of perfluoroalkyl and polyfluoroalkyl substances

SCS for S-3632 and 3649w/GR/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano) - Requires labeling of non-flushable disposable wipes

S-3758/A-5343 (Cryan/Karabinchak) - Changes deadline for unaffiliated mail-in voters to declare their political party before primary election

S-3837/A-5438 (Pou, Cruz-Perez/Pintor Marin, Wimberly) - Clarifies process for administrative appropriations to UEZs

S-3897/A-5578 (Ruiz, Sarlo/Jasey, Carter, Reynolds-Jackson) - Authorizes Higher Education Student Assistance Authority to award annual summer tuition aid grants

S-4040/A-5881 (Polistina, Lagana/Tully, Guardian, Swift) - Concerns jurisdiction and operations of regional municipal courts

S-4084/A-5851 (Ruiz, Cruz-Perez/Moriarty, Calabrese, Moen) - Concerns temporary registration certificates and license plates

S-4130/A-5849 (Codey/Jasey, Tucker) - Special legislation to change name of "Township of South Orange Village" to "South Orange Village"; changes titles of certain municipal officials; permits nonpartisan municipal elections to be moved to November; permits stipend for governing body members

S-4206/A-5856 (Sarlo/Calabrese) - Changes number of signatures required on primary election petition to nominate certain municipal candidates in certain municipalities

S-4209/A-5879 (Sarlo/Pintor Marin) - Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap

S-4268/A-5911 (Scutari/Danielsen) - Permits certain special State officers to represent cannabis businesses

A-203/S-2884 (Rooney, Benson, Caputo/A.M. Bucco) - Authorizes creation of special license plates commemorating horse as State animal

A-1100/S-995 (Calabrese, Mukherji, McKnight/Ruiz, Stack) - Requires entities to remove abandoned lines and mark information on certain lines

A-1107/S-770 (Chaparro, Murphy, Mukherji/Pou, Beach) - Directs Chief Technology Officer to conduct study on impacts of redacting handwritten signatures published on State websites; allows for protocols for such redactions to be established by rules and regulations

ACS for A-1255/SS for S-1794 (Stanley, Conaway, Benson/Gopal, Singer) - Updates requirements and standards for authorization and prior authorization of health care services

A-1727/S-3300 (Speight, Reynolds-Jackson, Verrelli/Stanfield, Ruiz) - Requires Attorney General to perform outreach and provide services to victims of human trafficking under certain circumstances

A-1729/S-3550 (Speight, Reynolds-Jackson, McKnight/Greenstein, Ruiz) - Requires AG to address human trafficking in underserved communities

A-1755/S-2505 (McKeon, Calabrese, Conaway/Smith, Greenstein) - Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain re properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes

A-2146wGR/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach) - Creates State business assistance program to establish contracting agency procurement goals for socially and economically disadvantaged business enterprises

A-2581/S-2503 (Lampitt, Park/Beach) - Provides that certain cosmetology and hairstyling courses may be taught using distance learning technology

A-3142/S-1564 (Moen, Moriarty, Benson/Singleton, Corrado) - Authorizes grants to purchase and rehabilitate abandoned homes for homeless veterans

A-3211/S-2302 (Speight, Haider, Swain/Gopal, Ruiz) - Establishes "New Jersey Feminine Hygiene Products for the Homeless Act"

A-3980/S-2706 (Speight, McKnight, Atkins/Zwicker, Turner) - Grants child placed in resource family care and resource family parents the right to be notified when case manager

supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits

A-4033wGR/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz) - Extends deadline for completion of school district's annual audit

A-4049/S-3495 (McKnight, Reynolds-Jackson, Benson/Vitale, Johnson) - Provides for presumptive eligibility for home and community-based services and services provided thru program of all-inclusive care for the elderly under Medicaid

A-4105/S-4202 (Lopez, Jimenez, Quijano/Vitale, Turner) - Establishes Interagency Council on Homelessness

A-4183/S-4264 (Haider/Singleton) - Concerns local unit filing requirement for certain shared services agreements

A-4212/S-2762 (Pintor Marin, Reynolds-Jackson, Verrelli/Ruiz, Cunningham) - Establishes Center for Career Relevant Education and Talent Evaluation of New Jersey at Thomas Edison State University

A-4337/S-4156 (Conaway, Atkins, Rooney/Singleton, Pou) - Requires Department of Health to provide information to Statewide 2-1-1 telephone system regarding the location of disposal sites for hypodermic syringes and needles and prescription drugs

ACS for A-4496/SCS for S-3247 (Coughlin, Lampitt, Karabinchak, Wimberly/Zwicker, Greenstein) - Revises various provisions of law governing construction of school facilities projects and operations of New Jersey Schools Development Authority; establishes "Charter School and Renaissance School Project Facilities Loan Program" in EDA

A-4522/S-3234 (Moen, McKnight, Quijano/Singer, Singleton) - Requires certain disclosures by sellers of single-family homes with solar panels installed

A-4691/S-1530 (Swain, DeAngelo, Speight/Greenstein, Zwicker) - Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention mitigation strategies

A-4723/S-2740 (McKeon, Moriarty, Rooney/Codey, Scutari) - Requires motor vehicle dealer to offer to delete personal information in motor vehicles in certain situations

A-4791/S-3184 (Kennedy, Haider, McKeon/Diegnan, Sarlo) - Establishes "Resiliency and Environmental System Investment Charge Program"

ACS for A-4794/S-3224 (Benson, Mukherji/Singleton, Turner) - Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots served by distributed energy resource charging centers for certain electric vehicle use

A-4814/S-1023 (Moen, Wimberly/Singleton, Gopal) - Removes expected family contribution from calculation of financial need under circumstances in which public institutions or higher education may reduce student's institutional financial aid

ACS for A-4821 and 4823wGR/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker) - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

A-4955/S-3531 (S. Kean, Thomson/Singer, Gopal) - Designates portion of State Highway Route 71 as "John Tarantino Highway"

A-5094/S-3476 (Spearman/Beach, Greenstein) - Concerns licensing of security officer companies

A-5227/S-3662 (Danielsen, Space/Smith, Oroho) - Expands eligibility for "fishing buddy license" fee

A-5285/SCS for S-3708 (Greenwald, Haider, Lopez/Greenstein, A.M. Bucco) - Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request

A-5293/S-3746 (Greenwald, McKnight, Rooney/Gopal, Ruiz) - Concerns New Jersey Civic Information Consortium

A-5311/S-3061 (Verrelli, McKnight, Matsikoudis/Stanfield, Turner) - Enters New Jersey into Counseling Compact

A-5391/S-3765 (DeAngelo/Diegnan, Corrado) - Imposes conditions on drivers approaching disabled vehicles

A-5412/S-3850 (Greenwald, Swain, Jasey/Gopal, Singer) - Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing

A-5416wGR/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner) - Requires State Board of Education to authorize alternate route to expedite teacher certification of persons employed as paraprofessionals in school districts

A-5442/S-3793 (Karabinchak, Conaway, McKeon/Smith, Greenstein) - Directs BPU to conduct study to determine feasibility, marketability, and costs of implementing large-scale geothermal heat pump systems in State

A-5462/S-3867 (Coughlin, McKnight, Speight/Vitale, Turner) - Revises law establishing Office of Food Security Advocate, and establishes certain conditions for use of monies appropriated to emergency food organizations

ACS for A-5495/SCS for S-3846 (Danielsen/Scutari, A.M. Bucco) - Clarifies types of firearms allowed to be carried or transported while hunting

A-5516/S-4047 (Reynolds-Jackson, Verrelli, Conaway/Burgess, Turner) - Requires certain health care professionals to undergo bias training

A-5565/S-3971 (S. Kean, Thomson/Gopal) - Provides that 10-year term does not apply to lease of certain municipal properties unless they are waterfront properties or related to waterfront concessions

A-5567/S-3807 (Torrissi, Calabrese/A.M. Bucco, Sarlo) - Extends period of usefulness of fire engines for bonding purposes from 10 to 20 years; eliminates exclusion of passenger cars and station wagons

A-5582/S-3781 (Swain, Simonsen/Lagana, Cryan) - Establishes grant program for NJ YouthBuild programs through DOLWD; makes appropriation

A-5610wGR/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco) - Revises penalties for possession or consumption of alcoholic beverages by underage persons

A-5748/S-4166 (Spearman, Moen, Moriarty/Cruz-Perez, Madden) - Amends definition of "participating county" under County Option Hospital Fee Program

A-5755/S-4183 (Carter, Sumter, Wimberly, Quijano/Scutari, Singleton) - Enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following determination of potentially hazardous condition

A-5799/S-1472 (Moen, Moriarty/Beach, Stack) - Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter into reciprocal agreements for enforcement of toll violations with toll authorities from other states

A-5806/S-4165 (Moriarty, Sauickie/Greenstein, Oroho) - Appropriates \$48 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreational and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-5807/S-4138 (Freiman/Johnson, Schepisi) - Appropriates \$58 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-5808/S-4135 (Park, Freiman, Lopez/Beach, Turner) - Appropriates \$15,564,293 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

A-5809/S-4097 (Swain, Lopez, Sauickie/Zwicker, Gopal) - Amends lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank FY 2024

A-5810/S-4098 (Sampson, Sauickie, Lopez/Greenstein, Stanfield) - Amends lists of environmental infrastructure projects approved for long-term funding by DEP under FY 2024 environmental infrastructure funding program

A-5828/S-4201 (Lopez/Vitale) - Authorizes State Treasurer to sell as surplus certain real property and improvements in Township of Woodbridge in Middlesex County

A-5835/S-4134 (Greenwald, Lampitt/Beach, Turner) - Authorizes regional authority to develop and operate regional rehabilitation and reentry center

A-5836/S-4212 (DeAngelo, Sumter, Wimberly/Gopal, Greenstein) - Makes supplemental appropriation of \$650,000 to New Jersey Division of State Police for trooper recruitment retention

A-5910/S-4266 (Egan/Codey) - Increases annual salary of certain public employees and officers

AJR-200/SJR-138 (Park, Freiman, Calabrese/Lagana) - Designates November 22 of each year as Kimchi Day

Governor Murphy pocket vetoed the following bills:

S-2989/A-1739 (Pou, Singer/McKeon, Quijano, Flynn) - Makes certain for-profit debt adjusters eligible for licensing to conduct business in State

S-3172/A-4689 (Gopal, Turner/Lampitt, Matsikoudis, McKnight) - Establishes teacher certification route for candidates with Montessori teaching credentials

S-3287/ACS for A-4852 and 1170 (Turner/Reynolds-Jackson, Jasey, Dunn, Wimberly, Calabrese, Spearman, Verrilli) - Requires institutions of higher education to maintain support policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies

A-1476/S-930 (Benson, Dancer/Holzapfel, Diegnan) - Exempts certain motor vehicles that are owned by certain nutrition programs and certain nonprofit organizations that offer social services from motor vehicle registration fees

A-3642/S-665 (Wirhiths, Murphy, Benson, Oroho/Greenstein) - Requires MVC to place designation on motor vehicle's registration information indicating registrant is deaf

A-3945/S-1660 (Quijano, Reynolds-Jackson, Carter/Ruiz, Singleton) - Establishes "Male Teachers of Color Mentorship Pilot Program"; appropriates \$95,000

A-4177/S-2478 (Mosquera, Swain, McKnight, Tucker, Dunn/Ruiz, Vitale) - Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment

A-4396/S-2927 (Lampitt, Jasey, Caputo/Codey) - Establishes timelines for review and approval by Commissioner of Education of annual certified audits submitted by approved private schools for students with disabilities

A-4621/S-3156 (Mosquera, Greenwald, Swain/Madden) - Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.

A-4740/S-2970 (Mukherji, DeAngelo, McKnight/Cruz-Perez, Turner) - Provides employee access to employee's employment records on file with DOLWD

A-5294/S-1825 (Greenwald, Swain, Rooney/Steinhardt, Sarlo, Doherty) - Exempts sales of investment metal bullion and investment coins from sales and use tax

A-5893/S-4228 (Karabinchak, Calabrese, Sauickie/Gopal, Sarlo) - Extends annual horse racing purse subsidies through State fiscal year 2029