

**ASSEMBLY, No. 792**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman AURA K. DUNN**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Lopez**

**SYNOPSIS**

Prohibits sale, distribution, or manufacture of children's products made with formaldehyde.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 12/7/2020)**

1 AN ACT concerning children products made with formaldehyde, and  
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

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7 1. a. As used in P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), "children's product" means a product,  
9 including a toy or play equipment, that is designed or intended  
10 solely or primarily:

11 (1) for the care of, or use by, a child aged 12 or under; or

12 (2) to come into contact with a child while the product is used.

13 b. For the purposes of P.L. , c. (C. ) (pending before  
14 the Legislature as this bill), "children's product" shall not be  
15 construed to include a product that may be used by or for the care of  
16 a child, but it is designed or intended for use by the general  
17 population, or segments of the general population, and not solely or  
18 primarily for use by or for the care of a child.

19 c. For the purposes of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill), "children's product" shall not include

21 (1) batteries;

22 (2) consumer electronic products including but not limited to  
23 personal consoles, handheld devices incorporating a video screen;

24 (3) a food or beverage or an additive to a food or beverage  
25 regulated by the United States Food and Drug Administration;

26 (4) a pesticide regulated by the United States Environmental  
27 Protection Agency; or

28 (5) a drug, biologic or medical device regulated by the United  
29 States Food and Drug Administration.

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31 2. Commencing April 1, 2019, no person shall sell, offer for  
32 sale, distribute, or manufacture any children's product intended for  
33 use by a child under the age of 12 containing, composed of, or made  
34 with formaldehyde.

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36 3. Any manufacturer or distributor of a children's product  
37 intended for use by a child under the age of 12, who discovers that  
38 the children's product contains, is composed of, or is made with  
39 formaldehyde shall issue an immediate recall for that children's  
40 product.

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42 4. The Director of Consumer Affairs shall issue an immediate  
43 recall for any children's product intended for use by a child under  
44 the age of 12 which he discovers contains, is composed of, or is  
45 made with formaldehyde.

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47 5. a. Within 48 hours of receiving notice from the Director of  
48 Consumer Affairs or a manufacturer or distributor that a children's

1 product intended for use by a child under the age of 12 has been  
2 recalled because it contains, is composed of, or is made with  
3 formaldehyde, a retail mercantile establishment shall remove the  
4 children's product from any display and make it unavailable for  
5 purchase.

6 b. Within 14 business days of receiving notice from the  
7 Director of Consumer Affairs or a manufacturer or distributor that a  
8 children's product intended for use by a child under the age of 12  
9 has been recalled because it contains, is composed of, or is made  
10 with formaldehyde, a retail mercantile establishment shall return all  
11 inventory of that children's product to the manufacturer or  
12 distributor from which it was obtained, at the cost of the  
13 manufacturer or distributor.

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15 6. Within 60 business days of receiving a children's product  
16 intended for use by a child under the age of 12 that has been  
17 recalled because it contains, is composed of, or is made with  
18 formaldehyde from a retail mercantile establishment, the  
19 manufacturer or distributor shall destroy the children's product in  
20 such a way that renders it useless, and dispose of the remnants in a  
21 manner and location designed to remove them from access by the  
22 general public.

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24 7. a. A person who violates P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), shall be subject to a penalty of  
26 not less than \$250 nor more than \$500 for each offense, to be  
27 collected by the Attorney General, in a civil action by a summary  
28 proceeding under the "Penalty Enforcement Law of 1999,"  
29 P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the  
30 Superior Court shall have jurisdiction of proceedings for the  
31 enforcement of the penalty provided by this section.

32 If the violation is of a continuing nature, each day during which  
33 it continues constitutes an additional, separate, and distinct offense.

34 b. The Attorney General may institute a civil action for  
35 injunctive relief to enforce P.L. , c. (C. ) (pending before  
36 the Legislature as this bill), and to prohibit and prevent a violation  
37 of P.L. , c. (C. ) (pending before the Legislature as this  
38 bill), and the court may proceed in the action in a summary manner.

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40 8. The Director of the Division of Consumer Affairs in the  
41 Department of Law and Public Safety, in consultation with the  
42 Department of Environmental Protection, shall adopt, pursuant to  
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
44 et seq.), rules and regulations as are necessary to effectuate the  
45 purposes of this act.

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47 9. This act shall take effect on January 1, 2019.

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STATEMENT

This bill would prohibit the sale, distribution, or manufacture any children's product intended for use by a child under the age of 12 which contains, is composed of, or is made with formaldehyde.

Under the bill, the Director of Consumer Affairs or any manufacturer or distributor of children's products, who discovers that a children's product intended for use by a child under the age of 12 contains, is composed of, or is made with formaldehyde, would be required to issue an immediate recall for that product. Within 48 hours of receiving notice of the recall, retail mercantile establishments would be required to remove the children's product from displays and make it unavailable for purchase. Within 14 business days, retail mercantile establishments would be required to return all inventory of the children's product to the manufacturer or distributor from which it was obtained, at the cost of the manufacturer or distributor. The manufacturer or distributor would then have 60 business days to destroy the children's product in such a way that renders it useless, and to dispose of the remnants in a manner and location designed to remove them from access by the general public.

The bill provides that a person who violates a provision in the bill would be subject to a penalty of not less than \$250 nor more than \$500 for each offence. The bill also authorizes the Attorney General to institute a civil action for injunctive relief to enforce the provisions of the bill.