

[First Reprint]

## **ASSEMBLY, No. 1459**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywomen Murphy, McKnight, Timberlake, Assemblyman Holley,**

**Assemblywomen Jimenez, Vainieri Huttie, Assemblyman Conaway,**

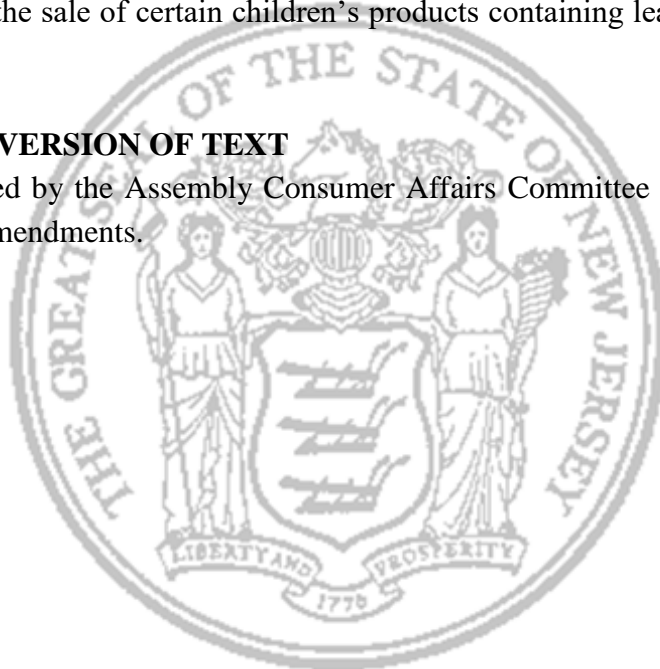
**Assemblywomen Downey and Lopez**

**SYNOPSIS**

Prohibits the sale of certain children's products containing lead, mercury, or cadmium.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Consumer Affairs Committee on January 27, 2020, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning certain children's products containing certain  
 2 metals and supplementing Title 2C of the New Jersey Statutes  
 3 and P.L.1960, c.39 (C.56:8-1 et seq.).  
 4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*  
 7

8 1. a. As used in <sup>1</sup>**[this act, "children's"]** P.L. , c. (C. )  
 9 (pending before the Legislature as this bill):

10 "Children's<sup>1</sup> product" means a product, including a toy or play  
 11 equipment, that is designed or intended solely or primarily:

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

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

14 <sup>1</sup>"Director" means the Director of the Division of Consumer  
 15 Affairs in the Department of Law and Public Safety.<sup>1</sup>

16 b. For the purposes of P.L. , c. (C. ) (pending before  
 17 the Legislature as this bill), "children's product" shall not be  
 18 construed to include a product that may be used by or for the care of  
 19 a child, but it is designed or intended for use by the general  
 20 population, or segments of the general population, and not solely or  
 21 primarily for use by or for the care of a child.  
 22

23 2. No person shall sell, offer for sale, distribute, import, or  
 24 manufacture any children's product intended for use by a child  
 25 under the age of <sup>1</sup>**[6]** six<sup>1</sup> containing, composed of, or made with  
 26 lead, mercury, or cadmium.  
 27

28 3. Any manufacturer, distributor, or importer of a children's  
 29 product intended for use by a child under the age of <sup>1</sup>**[6,]** six<sup>1</sup> who  
 30 discovers that the children's product contains, is composed of, or is  
 31 made with lead, mercury, or cadmium, shall issue an immediate  
 32 recall for that children's product.  
 33

34 4. The <sup>1</sup>**[Director of Consumer Affairs]** director<sup>1</sup> shall issue an  
 35 immediate recall for any children's product intended for use by a  
 36 child under the age of <sup>1</sup>**[6]** six<sup>1</sup> <sup>1</sup>**[which he]** if the director<sup>1</sup>  
 37 discovers <sup>1</sup>it<sup>1</sup> contains, is composed of, or is made with lead,  
 38 mercury, or cadmium.  
 39

40 5. a. Within 48 hours of receiving notice from the <sup>1</sup>**[Director**  
 41 **of Consumer Affairs]** director<sup>1</sup> or a manufacturer, distributor, or  
 42 importer that a children's product intended for use by a child under  
 43 the age of <sup>1</sup>**[6]** six<sup>1</sup> has been recalled because it contains, is  
 44 composed of, or is made with lead, mercury, or cadmium, a retail

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:

<sup>1</sup>Assembly ACO committee amendments adopted January 27, 2020.

1 mercantile establishment shall remove the children's product from  
2 any display and make it unavailable for purchase.

3 b. Within 14 business days of receiving notice from the  
4 <sup>1</sup>['Director of Consumer Affairs'] director<sup>1</sup> or a manufacturer,  
5 distributor, or importer that a children's product intended for use by  
6 a child under the age of <sup>1</sup>['6'] six<sup>1</sup> has been recalled because it  
7 contains, is composed of, or is made with lead, mercury, or  
8 cadmium, a retail mercantile establishment shall return all inventory  
9 of that children's product to the manufacturer, distributor, or  
10 importer from which it was obtained, at the cost of the  
11 manufacturer, distributor, or importer.

12  
13 6. Within 60 business days of receiving a children's product  
14 intended for use by a child under the age of <sup>1</sup>['6'] six<sup>1</sup> that has been  
15 recalled because it contains, is composed of, or is made with lead,  
16 mercury, or cadmium from a retail mercantile establishment, the  
17 manufacturer, distributor, or importer shall destroy the children's  
18 product in such a way that renders it useless, and dispose of the  
19 remnants in a manner and location designed to remove them from  
20 access by the general public.

21  
22 7. a. A person who knowingly violates section 2 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 shall be guilty of an unlawful practice pursuant to P.L.1960, c.39  
25 (C.56:8-1 et seq.).

26 b. A violation of section 5 of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill) shall be an unlawful practice  
28 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

29  
30 8. A violation of sections 3 or 6 of P.L. , c. (C. )  
31 (pending before the Legislature as this bill) shall be a crime of the  
32 fourth degree for a first offense, a crime of the third degree for a  
33 second offense, and a crime of the second degree for <sup>1</sup>a<sup>1</sup> third or  
34 subsequent <sup>1</sup>['offenses'] offense<sup>1</sup>.

35  
36 9. This act shall take effect on the first day of the seventh  
37 month following enactment.