

[First Reprint]

ASSEMBLY, No. 1459

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 37 (Bergen)

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Assemblywomen Jimenez, Vainieri Huttel, Assemblyman Conaway,

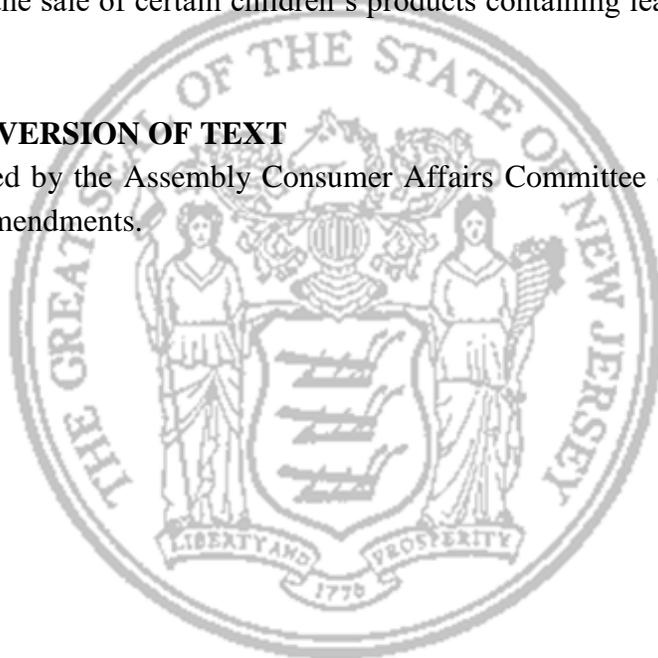
Assemblywomen Downey and Lopez

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 ¹[this act, "children's"] P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 "Children's¹ 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 ¹"Director" means the Director of the Division of Consumer
15 Affairs in the Department of Law and Public Safety.¹

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 ¹[6] six¹ 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 ¹[6,] six¹ 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 ¹[Director of Consumer Affairs] director¹ shall issue an
35 immediate recall for any children's product intended for use by a
36 child under the age of ¹[6] six¹ ¹[which he] if the director¹
37 discovers ¹it¹ 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 ¹[Director
41 of Consumer Affairs] director¹ or a manufacturer, distributor, or
42 importer that a children's product intended for use by a child under
43 the age of ¹[6] six¹ 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:

¹Assembly 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 ¹~~Director of Consumer Affairs~~ director¹ or a manufacturer,
5 distributor, or importer that a children's product intended for use by
6 a child under the age of ¹~~6~~ six¹ 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 ¹~~6~~ six¹ 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 ¹a¹ third or
34 subsequent ¹~~offenses~~ offense¹.
- 35
- 36 9. This act shall take effect on the first day of the seventh
37 month following enactment.