

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3800**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2024

The Assembly Consumer Affairs Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3800.

This committee substitute memorializes federal standards set forth in the “Consumer Product Safety Improvement Act of 2008,” and any regulation issued pursuant to the statutes for acceptable levels of lead, mercury, and cadmium in children’s products. The substitute removes criminal penalties for a violation, and imposes civil penalties pursuant to the New Jersey Consumer Fraud act.

The substitute defines “children’s product” as a product, toy, or play equipment designed or intended solely or primarily:

- (1) for the care of, or use by, a child 12 years of age or younger; or
- (2) to come into contact with a child 12 years of age or younger while in use. The substitute clarifies that a “children’s product” is not to be construed as inclusive of items used by the general population that may be used by a child or for the care of a child.

The substitute provides that the Director of the Division of Consumer Affairs, or any manufacturer, distributor or importer of children’s products is to issue an immediate recall of products in violation of the established standards. Upon receiving notice of a recall, the substitute permits retail mercantile establishments 48 hours to remove the products from display and availability to consumers. Within 60 days of receiving notice of a recall, the substitute requires the retail mercantile establishment to return all inventory of the recalled children’s product to the manufacturer, distributor or importer at the expense of the manufacturer, distributor, or importer. The substitute allows the receiver of the recalled children’s product (the manufacturer, distributor, or importer) 60 days to destroy the product in such a way so as to render it useless and dispose of the remnants in a manner and location designed to remove it from public access.

A violation of the substitute’s provisions is an unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) and would be punishable by a monetary penalty of not more than \$10,000 for a first offense, and not more than \$20,000 for any subsequent offense. In addition, a violation may result in the issuance of a cease and desist order by the

Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.