LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1281

STATE OF NEW JERSEY
222nd LEGISLATURE

DATED: JULY 2, 2026

SUMMARY

Synopsis: Prohibits sale, manufacture, and distribution of certain apparel and diaper products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Type of Impact: Annual State expenditure and revenue increases.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill would result in indeterminate annual State expenditure and revenue increases, as the bill would create an additional prohibition under existing law enforceable by the Division of Consumer Affairs in the Department of Law and Public Safety.

- The OLS finds that State expenditure increase would result from the division's receipt and collection of manufacturer certifications and enforcement activities under the bill.

- The OLS anticipates an increase in State revenues from monetary penalties imposed by the division for violations of the Protecting Against Forever Chemicals Act. However, the OLS has no information on which to base an estimate of the number and magnitude of future penalty assessments and payments and thus cannot project the amount the State will collect.

BILL DESCRIPTION

The bill would prohibit, beginning two years after the bill's effective date, the sale, manufacture, and distribution of any apparel or diaper product containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) within the State.

The bill would require, beginning two years after the bill's effective date, a manufacturer of any apparel or diaper product to certify that each apparel or diaper product that it manufactures does not contain intentionally added PFAS. The certification would be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety and would be valid for a period of five years. The bill provides certain certification requirements if the manufacturer modifies an apparel or diaper product.

A violator of the bill's provisions would be assessed either or both of the following monetary penalties under the Protecting Against Forever Chemicals Act, P.L.2025, c.202: 1) a civil administrative penalty of between $1,000 and $20,000 for each violation, provided that each day of a continuous violation is an additional, separate and distinct offense; or 2) a civil penalty of up to $25,000 per day of a violation with each day of a continuous violation constituting an additional, separate, and distinct offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill would result in indeterminate annual State expenditure and revenue increases, as the bill would create an additional prohibition under existing law enforceable by the Division of Consumer Affairs in the Department of Law and Public Safety.

State Expenditure Increase: The OLS anticipates the division will incur ongoing costs for the receipt of certifications from manufacturers of apparel and diaper products pursuant to the bill's provisions and enforcement activities to the extent there are violations of the bill's provisions.

State Revenue Increase: The bill establishes that a violation of the bill's provisions would trigger the following existing penalties under the Protecting Against Forever Chemicals Act:

1) a civil administrative penalty of between $1,000 and $20,000 for each violation, provided that each day of the violation continues constitutes an additional, separate, and distinct offense; or

2) a civil penalty of up to $25,000 per day of the violation, provided that each day the violation continues constitutes an additional, separate, and distinct offense; or

3) a combination of the listed civil administrative penalties and civil penalties.

The OLS anticipates an increase in State revenues from these monetary penalties; however, it has no information on which to base an estimate of the number and magnitude of future penalty assessments and payments and thus cannot project the amount the State will collect.

Section: *Law and Public Safety*

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Lead Fiscal Analyst

Approved: *Thomas Koenig*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).