

ASSEMBLY, No. 1844

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

SYNOPSIS

Prohibits sale, distribution, and manufacture of jewelry containing cadmium.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning jewelry containing cadmium 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:
6

7 1. No person shall sell, offer for sale, distribute, import, or
8 manufacture any jewelry containing more than 0.03 percent
9 cadmium by weight.
10

11 2. A manufacturer, distributor, or importer of jewelry shall
12 issue an immediate recall for any jewelry that is discovered to
13 contain more than 0.03 percent cadmium by weight.
14

15 3. The Director of Consumer Affairs shall issue an immediate
16 recall for any jewelry that the director determines contains more
17 than 0.03 percent cadmium by weight.
18

19 4. a. Within 48 hours of receiving notice from the Director of
20 Consumer Affairs or a manufacturer, distributor, or importer that
21 jewelry has been recalled because it contains more than 0.03
22 percent cadmium by weight, a retail mercantile establishment shall
23 remove the jewelry from any display and make it unavailable for
24 purchase.

25 b. Within 14 business days of receiving notice from the
26 Director of Consumer Affairs or a manufacturer, distributor, or
27 importer that jewelry has been recalled because it contains more
28 than 0.03 percent cadmium by weight, a retail mercantile
29 establishment shall return all inventory of that jewelry to the
30 manufacturer, distributor, or importer from which it was obtained,
31 at the cost of the manufacturer, distributor, or importer.
32

33 5. Within 60 business days of receiving jewelry that has been
34 recalled because it contains more than 0.03 percent cadmium by
35 weight from a retail mercantile establishment, the manufacturer,
36 distributor, or importer shall dispose of the jewelry in a manner and
37 location designed to remove it from access by the general public,
38 and in accordance with any applicable laws governing the disposal
39 of products containing cadmium.
40

41 6. A person who knowingly violates the provisions of this act
42 shall be guilty of an unlawful practice pursuant to P.L.1960, c.39
43 (C.56:8-1 et seq.).
44

45 7. This act shall take effect on the first day of the seventh
46 month following enactment.

STATEMENT

This bill would prohibit the sale, distribution, import, or manufacture of jewelry that contains more than 0.03 percent cadmium by weight.

Under the bill, the Director of Consumer Affairs or any manufacturer, distributor, or importer of jewelry who discovers that a type of jewelry contains more than 0.03 percent cadmium by weight would have to issue an immediate recall for that type of jewelry. Within 48 hours of receiving notice of the recall, retail mercantile establishments would be required to remove the jewelry from displays and make it unavailable for purchase. Within 14 business days, a retail mercantile establishment would be required to return all inventory of the jewelry to the manufacturer, distributor, or importer from which it was obtained, at the cost of the manufacturer, distributor, or importer. The manufacturer, distributor, or importer would then have 60 business days to dispose of the jewelry in a manner and location designed to remove it from access by the public.

A violation of the provisions of the bill would be considered an unlawful practice under the “Consumer Fraud Act,” 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. Additionally, a violation of the “Consumer Fraud Act” can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured.

The bill would take effect on the first day of the seventh month following enactment.