

[Second Reprint]

**ASSEMBLY, No. 1979**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

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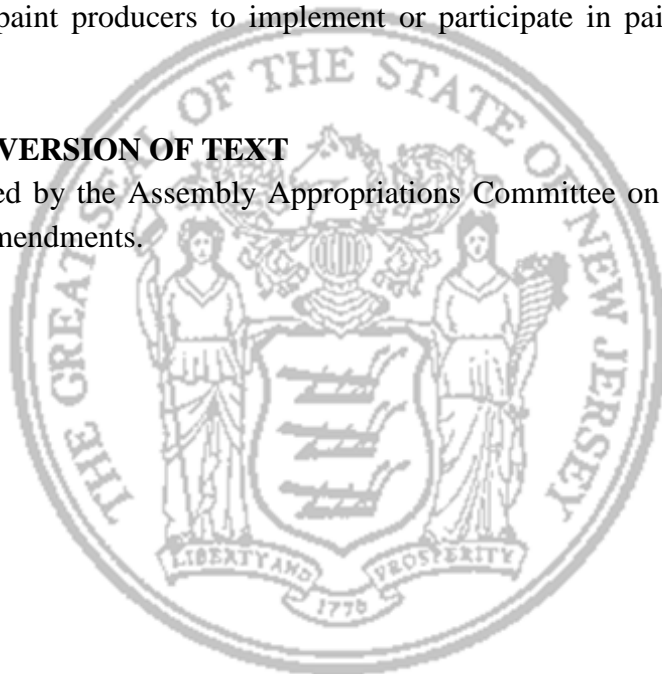
**Assemblywoman Murphy, Assemblyman Holley, Assemblywomen Swain, McKnight, Assemblymen Verrelli, Karabinchak, Scharfenberger, Assemblywoman Dunn, Assemblymen Conaway, Calabrese and McKeon**

**SYNOPSIS**

Requires paint producers to implement or participate in paint stewardship program.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on December 13, 2021, with amendments.



**(Sponsorship Updated As Of: 12/20/2021)**

1 AN ACT requiring producers of architectural paint to implement or  
2 participate in a paint stewardship program, and supplementing  
3 Title 13 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. This act shall be known and may be cited as the  
9 “Architectural Paint Stewardship Act.”

10  
11 2. The Legislature finds and declares that local governments,  
12 businesses, and residents of the State do not have ready access to an  
13 efficient, environmentally sound, and cost-effective disposal  
14 method for architectural paint; and that hazardous waste collection  
15 days are costly for local governments and insufficient,  
16 inconvenient, and too infrequent to properly serve local businesses  
17 and residents, resulting in missed opportunities to reduce, reuse, and  
18 recycle paint.

19 The Legislature further finds and declares that the producers of  
20 architectural paint are best able to assume responsibility for the  
21 development and implementation of a cost-effective paint  
22 stewardship program that will provide fiscal relief to local  
23 governments by reducing the volumes of leftover paint, promoting  
24 its reuse, and providing for the collection, transportation, and  
25 processing of such paint.

26 The Legislature therefore determines that it is in the best  
27 interests of the State for the producers of architectural paint to  
28 provide for the planning and implementation of a program to  
29 collect, reuse, recycle, transport, and dispose of post-consumer  
30 architectural paint.

31  
32 3. As used in this act:

33 <sup>2</sup>“Aerosol paint” means a pressurized coating product that  
34 contains pigment or resin that dispenses product ingredients by  
35 means of a propellant, and is packaged in a disposable aerosol  
36 container for hand-held application.<sup>2</sup>

37 “Architectural paint” means interior or exterior architectural  
38 coatings that are sold in containers of five gallons or less.  
39 “Architectural paint” shall not mean industrial, original equipment,  
40 or specialty use coatings.

41 “Commissioner” means the Commissioner of Environmental  
42 Protection.

43 “Department” means the Department of Environmental  
44 Protection.

**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 AEN committee amendments adopted March 15, 2021.

<sup>2</sup>Assembly AAP committee amendments adopted December 13, 2021.

1 “Distributor” means a person who has a contractual relationship  
2 with one or more producers to market and sell architectural paint to  
3 retailers.

4 “Energy recovery” means a procedure in which all or a part of  
5 the solid waste materials of architectural paint are processed to use  
6 the heat content or other forms of energy from the solid waste  
7 materials.

8 “Environmentally sound management practices” means the  
9 policies or procedures for collection, storage, transportation, reuse,  
10 recycling, and disposal of architectural paint, which are  
11 implemented by a producer, representative organization, or their  
12 contracted partners to ensure compliance with all applicable federal,  
13 State, and local laws, rules, regulations, and ordinances, and the  
14 protection of human health and the environment, and which address  
15 matters such as adequate recordkeeping, accurate tracking and  
16 documentation of the use, reuse, recycling, or disposal of post-  
17 consumer architectural paint within and outside of the State, and  
18 adequate provision of environmental liability coverage for  
19 professional services and for the operations of contractors working  
20 on behalf of a producer or representative organization.

21 <sup>2</sup>“Federal waste management hierarchy” means the four-tiered  
22 hierarchy, established by the United States Environmental  
23 Protection Agency, that guides waste management determinations  
24 through the promotion of source reduction, recycling, energy  
25 recovery, and waste treatment and disposal, in that order, to the  
26 extent feasible.<sup>2</sup>

27 “Paint stewardship assessment” means the assessed amount,  
28 established pursuant to section 5 of this act, which is <sup>1</sup>**[added to]**  
29 **included in**<sup>1</sup> the purchase price of architectural paint sold in the  
30 State.

31 “Post-consumer architectural paint” means architectural paint not  
32 used and no longer wanted by a consumer.

33 “Producer” means a manufacturer of architectural paint that is  
34 sold, offered for sale, or distributed in the State, either under the  
35 producer’s own name or under any other brand name.

36 “Recycling” means any process used to transform discarded  
37 products, components, or by-products into new usable or  
38 marketable materials, and which process may cause those discarded  
39 products, components, or by-products to lose their original  
40 composition or identity. “Recycling” shall not include energy  
41 recovery or energy generation by means of combustion or  
42 incineration.

43 “Representative organization” means a nonprofit organization  
44 that is established by, and for the benefit of, two or more  
45 architectural paint producers in the State, and which is tasked with  
46 the development of an architectural paint stewardship program plan,  
47 in accordance with section 4 of this act, and implementation of the

1 plan on behalf of, and with the participation of, each member  
2 producer.

3 “Retailer” means any person who sells architectural paint or  
4 offers architectural paint for sale at retail to consumers in the State.

5 “Reuse” means the return of a product into the economic stream  
6 for use in the same kind of application originally intended for the  
7 product, without a change in the product’s original composition or  
8 identity.

9 “Sell” or “sale” means any transfer of title for consideration,  
10 including, but not limited to, remote sales transactions conducted  
11 through sales outlets, catalogs, or the Internet, or through any other  
12 similar electronic means.

13

14 4. a. Within one year after the date of enactment of this act,  
15 every producer of architectural paint, or any representative  
16 organization established pursuant to this act, shall prepare and  
17 submit to the commissioner, for the commissioner’s approval, a  
18 plan for an architectural paint stewardship program. The plan shall  
19 minimize <sup>2</sup>the involvement of, and eliminate costs to, the<sup>2</sup> public  
20 sector <sup>2</sup>[involvement in the management] in association with the  
21 collection, transportation, and processing<sup>2</sup> of post-consumer  
22 architectural paint by reducing its generation, promoting its reuse  
23 and recycling, and negotiating and executing agreements for its  
24 collection, transportation, reuse, recycling, burning for energy  
25 recovery, incineration, and disposal using environmentally sound  
26 management practices <sup>2</sup>that are consistent with the federal waste  
27 management hierarchy<sup>2</sup>.

28 b. The plan submitted pursuant to this section shall:

29 (1) provide for convenient and available Statewide collection of  
30 post-consumer architectural paint from urban, suburban, and rural  
31 areas of the State in a manner that, at a minimum, ensures collection  
32 rates and a level of convenience equal to or greater than that  
33 provided by other collection programs available to consumers prior  
34 to the establishment of the architectural paint stewardship program;

35 (2) provide collection site locations Statewide that will accept  
36 post-consumer architectural paint, through the use of geographic  
37 information modeling, such that at least 90 percent of State  
38 residents have a permanent collection site within 15 miles of their  
39 residence, that permanent collection sites be established for every  
40 30,000 residents of a population center, and that collection sites be  
41 distributed to provide convenient and equitable access for residents  
42 within each population center, unless otherwise authorized by the  
43 department. For those persons who do not have a permanent  
44 collection site within 15 miles of their residence, the plan shall  
45 provide for annual collection events <sup>2</sup>, unless more frequent  
46 collection events are deemed to be necessary, and are required, in  
47 writing, by the department<sup>2</sup>;

1 (3) address, to the extent reasonably feasible and mutually  
 2 agreeable, the coordination of the architectural paint stewardship  
 3 program with the existing infrastructure of local governments and  
 4 the existing household hazardous waste collection infrastructure in  
 5 the State <sup>2</sup>, to the extent that there are no additional costs to the  
 6 local, county, or State government for the collection, transportation,  
 7 or processing of post-consumer architectural paint<sup>2</sup>;

8 <sup>2</sup>(4) describe how the program will follow a hierarchy that is  
 9 consistent, to the extent feasible, with the federal waste  
 10 management hierarchy;

11 (5) describe the educational materials and outreach efforts that  
 12 will be used to inform consumers about the architectural paint  
 13 stewardship program and the paint stewardship assessment.  
 14 Educational materials shall include, but need not be limited to,  
 15 information identifying the end-of-life management options that are  
 16 available for post-consumer architectural paint through the  
 17 architectural paint stewardship program, as well as a notice  
 18 provision stating that the costs of program operation will be  
 19 included in the purchase price of all architectural paint sold in the  
 20 State;<sup>2</sup>

21 <sup>2</sup>**[(4)] (6)<sup>2</sup>** in accordance with the provisions of section 5 of this  
 22 act, identify an appropriate amount for the paint stewardship  
 23 assessment;

24 <sup>2</sup>**[(5)] (7)<sup>2</sup>** identify, in two separate lists: (a) each producer  
 25 participating in the program; and (b) the brands of architectural  
 26 paint that are included in the program; and

27 <sup>2</sup>**[(6) be] (8)** include a proposed budget that has been<sup>2</sup> reviewed  
 28 <sup>2</sup>and certified<sup>2</sup> by an independent financial auditor <sup>2</sup>**[to verify]** ,  
 29 and which confirms<sup>2</sup> that the paint stewardship assessment <sup>1</sup>**[added**  
 30 **to]** included in the price of<sup>1</sup> each unit of paint sold in the State will  
 31 cover <sup>2</sup>and sustain<sup>2</sup>, but not exceed, the costs of the architectural  
 32 paint stewardship program. The cost of any work performed by an  
 33 independent financial auditor pursuant to this paragraph shall be  
 34 funded by the architectural paint stewardship program. <sup>2</sup>The  
 35 proposed budget shall also include a description of surplus funds, if  
 36 any, that are in reserve for future use.<sup>2</sup>

37 c. A producer of architectural paint, or a representative  
 38 organization established pursuant to this act, shall notify the  
 39 department, in writing, within 30 days of any of the following  
 40 changes to a plan approved pursuant to section 6 of this act:

41 (1) the location or number of collection sites identified in the  
 42 plan;

43 (2) the identity of the processors that manage the post-consumer  
 44 architectural paint collected; or

45 (3) the transporters of the post-consumer architectural paint  
 46 collected by the program.

1 d. A producer of architectural paint, or a representative  
2 organization established pursuant to this act, shall submit an  
3 amendment to the plan approved by the department within 120 days  
4 after:

5 (1) any change to the amount of the paint stewardship  
6 assessment imposed pursuant to section 5 of this act; or

7 (2) any change to the goals of the program as approved in the  
8 plan.

9 The department shall review the amendments to the plan and  
10 shall approve or disapprove them in accordance with the procedures  
11 established pursuant to section 6 of this act.

12 e. The department shall charge and collect from each producer  
13 or representative organization that submits a plan for an  
14 architectural paint stewardship program pursuant to this section an  
15 annual administrative fee, which shall not exceed the department's  
16 costs in administering the provisions of this act.

17 <sup>2</sup>f. No sooner than the fifth year, and no later than the sixth year,  
18 following the effective date of this act, all architectural paint  
19 stewardship plans shall be amended to provide for the  
20 environmentally sound collection, transportation, reuse, recycling  
21 and disposal of aerosol paint.<sup>2</sup>

22  
23 5. a. The producer or representative organization submitting a  
24 plan pursuant to section 4 of this act shall establish, as a funding  
25 mechanism for the program <sup>2</sup>and the implementation of its plan<sup>2</sup>, a  
26 paint stewardship assessment amount to be uniformly applied to the  
27 sale price of all brands of architectural paint covered under the  
28 architectural paint stewardship program. The paint stewardship  
29 assessment shall not exceed the costs of <sup>2</sup>implementing and  
30 sustaining the architectural paint stewardship plan and<sup>2</sup> the  
31 architectural paint stewardship program.

32 b. A paint stewardship assessment, as established by subsection  
33 a. of this section, shall be <sup>1</sup>**[added to]** included in<sup>1</sup> the cost of each  
34 container of architectural paint sold by a producer to a retailer or  
35 distributor in the State, and each retailer or distributor shall <sup>1</sup>**[add]**  
36 include<sup>1</sup> the paint stewardship assessment <sup>1</sup>**[to]** in<sup>1</sup> the purchase  
37 price of the producer's architectural paint.

38 c. If a producer is a member of a representative organization,  
39 the producer shall remit to the representative organization the paint  
40 stewardship assessment received for each container of architectural  
41 paint sold by the producer in the State.

42  
43 6. a. Within 90 days after the department's receipt of a plan  
44 submitted in accordance with section 4 of this act, the commissioner  
45 shall approve or disapprove the plan, including the paint  
46 stewardship assessment identified therein, and provide written  
47 notice of its determination to the producer or representative

1 organization, as the case may be. If the department does not  
2 provide notice of its determination within 90 days after its receipt of  
3 the plan, the plan shall be deemed to have been approved, and the  
4 producer or representative organization, as the case may be, shall  
5 proceed to implement the plan.

6 b. If the commissioner disapproves a plan submitted pursuant to  
7 section 4 of this act, the written notice provided pursuant to  
8 subsection a. of this section shall be accompanied by a <sup>2</sup>[detailed  
9 statement] list<sup>2</sup>, prepared by the department, describing the  
10 <sup>2</sup>[reasons for the disapproval, and prescribing] plan requirements,  
11 established in section 4 of this act, that have not been satisfied, and<sup>2</sup>  
12 the changes <sup>2</sup>that are<sup>2</sup> required for <sup>2</sup>[approval] the plan to be  
13 approved<sup>2</sup>. No more than 45 days after receipt of the department's  
14 written notice and accompanying statement of the reasons for the  
15 disapproval of a plan submitted pursuant to section 4 of this act, the  
16 producer or representative organization, as appropriate, shall submit  
17 <sup>2</sup>[the] a<sup>2</sup> modified plan to the department for approval.

18 c. Within 45 days after receipt of a modified plan that has been  
19 submitted in accordance with subsection b. of this section, the  
20 department shall approve the plan or reject it, and shall certify the  
21 approval or rejection to the producer or representative organization,  
22 as the case may be. Upon the department's disapproval of any  
23 modified plan submitted pursuant to subsection b. of this section, or  
24 upon the failure of the producer or representative organization to  
25 submit a modified plan as required, the department shall propose  
26 any revisions to the plan the department deems necessary, and shall  
27 transmit the proposed plan revisions to the producer or  
28 representative organization, as the case may be. Upon receipt of the  
29 department's proposed revisions to the plan, the producer or  
30 representative organization, as appropriate, shall implement the  
31 revised plan unless otherwise agreed to by the department.

32 d. Within 90 days after the department's approval of, or  
33 revisions to, a plan submitted in accordance with section 4 of this  
34 act:

35 (1) the producer or representative organization, as appropriate,  
36 shall implement the architectural paint stewardship program  
37 described in the plan; and

38 (2) the department shall post, at a publicly accessible location  
39 on its Internet website, two separate lists respectively identifying  
40 (a) each producer participating in the architectural paint stewardship  
41 program, and (b) the brands of architectural paint included in the  
42 program.

43

44 <sup>2</sup>[7. In implementing a plan approved or revised pursuant to  
45 section 6 of this act, the producer, or representative organization of  
46 which the producer is a member, shall provide consumers with  
47 educational materials related to the architectural paint stewardship

1 program and the paint stewardship assessment. These educational  
2 materials shall include, but need not be limited to, information  
3 identifying the end-of-life management options that are available  
4 for post-consumer architectural paint through the architectural paint  
5 stewardship program, and a notice provision stating that the costs of  
6 program operation will be included in the purchase price of all  
7 architectural paint sold in the State. The producer, or representative  
8 organization of which the producer is a member, may provide  
9 retailers and collection sites with educational and informational  
10 material describing collection opportunities and promoting waste  
11 prevention, reuse, and recycling of post-consumer architectural  
12 paint. The educational and promotional materials may include, but  
13 need not be limited to, signage, written materials, templates of  
14 materials for reproduction by retailers to be provided to consumers  
15 at the time of purchase, and advertising materials describing the  
16 architectural paint stewardship program.]<sup>2</sup>

17

18 <sup>2</sup>[8] 7<sup>2</sup>. a. A producer, distributor, or retailer shall not sell  
19 architectural paint or offer architectural paint for sale to any person  
20 in the State unless the producer of the architectural paint, or a  
21 representative organization of which the producer is a member, is  
22 engaged in the implementation of, or has fully implemented, a plan  
23 approved or revised by the commissioner pursuant to section 6 of  
24 this act.

25 b. A distributor or retailer shall be deemed to be in compliance  
26 with subsection a. of this section if, on the date architectural paint is  
27 ordered thereby, the producer of the paint and the brand name of the  
28 paint are each identified on the <sup>2</sup>[respective] producer and brand<sup>2</sup>  
29 lists maintained on the department's Internet website pursuant to  
30 paragraph (2) of subsection d. of section 6 of this act.

31 c. (1) Any producer, distributor, or retailer who violates the  
32 provisions of subsection a. of this section shall be subject to: (a) a  
33 written warning for a first offense <sup>2</sup>[,] <sup>2</sup> and (b) a penalty of  
34 <sup>2</sup>[between]<sup>2</sup> \$500 <sup>2</sup>[and \$1,000]<sup>2</sup> for each subsequent offense.  
35 Any applicable penalty under this subsection shall be collected by  
36 the State in a civil action by summary proceeding under the  
37 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
38 et seq.), or in any case before a court of competent jurisdiction  
39 wherein injunctive relief has been requested. The Superior Court  
40 and the municipal court shall have jurisdiction to enforce the  
41 provisions of the "Penalty Enforcement Law of 1999" in accordance  
42 with the provisions of this act.

43 (2) The department may institute a civil action for injunctive  
44 relief to enforce the provisions, or prevent a violation, of this  
45 section, and the court may proceed in the action in a summary  
46 manner.



1 <sup>2</sup>(3) Whenever the department determines that any producer,  
2 distributor, or retailer is in violation of a provision of this act, the  
3 department may assess a civil administrative penalty of not more  
4 than \$500 for each violation, not to exceed a maximum penalty of  
5 \$10,000 during a calendar year, and each day of violation shall  
6 constitute an additional, separate, and distinct violation. A civil  
7 administrative penalty shall not be levied until a violator has been  
8 provided with written notice, by certified mail or personal service,  
9 of the following:

10 (a) the statutory or regulatory basis of the violation;

11 (b) the specific act or omission that constituted the violation;

12 (c) the amount of the civil administrative penalty to be imposed;

13 (d) the right of the violator to contest, through a hearing, any  
14 matter contained in the notice; and

15 (e) the procedures for requesting a hearing on any contested  
16 matter.

17 (4) (a) A producer, distributor, or retailer who violates this act  
18 may, within 20 calendar days following receipt of the notice of  
19 violation, issued pursuant to paragraph (3) of this subsection,  
20 request a hearing on any matter contained in the notice. Any person  
21 requesting a hearing shall comply with all requisite procedures  
22 therefor, as specified in the notice. Failure to submit a timely  
23 request or to comply with all requisite procedures shall constitute  
24 grounds for denial of a hearing request. After a hearing and upon a  
25 finding that a violation has occurred, the department shall issue a  
26 final order assessing the amount of the civil administrative penalty  
27 specified in the notice. If a violator does not request a hearing or  
28 fails to satisfy the statutory and administrative requirements for  
29 requesting a hearing, the notice of assessment of a civil  
30 administrative penalty, issued pursuant to paragraph (3) of this  
31 subsection, shall become a final order on the 21st calendar day  
32 following receipt of the notice by the violator. If the department  
33 denies a hearing request made pursuant to this paragraph, the notice  
34 of denial shall become a final order upon receipt of the notice by  
35 the violator.

36 (b) A civil administrative penalty may be settled by the  
37 department on such terms and conditions as the department may  
38 determine.

39 (c) Payment of a civil administrative penalty shall not be deemed  
40 to affect the availability of any other enforcement remedy in  
41 connection with the violation for which the penalty was levied.

42 (5) If a civil administrative penalty imposed pursuant to this  
43 section is not paid within 30 days of the date that the penalty is due  
44 and owing, and the penalty is not contested by the producer,  
45 distributor, or retailer against whom the penalty has been assessed,  
46 or if the producer, distributor, or retailer fails to make a payment  
47 pursuant to a payment schedule entered into with the department, an  
48 interest charge shall accrue on the amount of the penalty from the

1 30th day that the amount was due and owing. In the case of an  
2 appeal of a civil administrative penalty, if the amount of the penalty  
3 is upheld, in whole or in part, the rate of interest shall be calculated  
4 on that amount as of the 30th day from the date the amount was due  
5 and owing under the administrative order. The rate of interest shall  
6 be that established by the New Jersey Supreme Court for interest  
7 rates on judgments, as set forth in the Rules of Court.

8 d. The department may post on its Internet website a list of  
9 producers, distributors, and retailers that are in violation of this  
10 act.<sup>2</sup>

11  
12 <sup>2</sup>[9] 8<sup>2</sup>. a. Except as provided in subsection b. of this section,  
13 <sup>2</sup>[an action undertaken by a producer or representative  
14 organization, which affects the types or quantities of paint being  
15 recycled, or the cost or structure of any return or recycling program,  
16 shall not be deemed to be a violation of any State law relating to  
17 antitrust, restraint of trade, unfair trade practices, or the regulation  
18 of trade or commerce, so long as the action is necessary to plan or  
19 implement the organized collection or processing of architectural  
20 paint pursuant to this act] a producer or the representative  
21 organization participating in an architectural paint stewardship  
22 program shall not be liable for any claim of a violation of antitrust,  
23 restraint of trade, unfair trade practice, or other anticompetitive  
24 conduct arising from conduct undertaken in accordance with the  
25 program, including, without limitation, the types or quantities of  
26 paint being managed consistent with the federal waste management  
27 hierarchy<sup>2</sup>.

28 b. Subsection a. of this section shall not apply to: (1) any  
29 agreement establishing or affecting the price of architectural paint,  
30 except an agreement to establish a paint stewardship assessment, as  
31 authorized by this act; or (2) any agreement restricting the output or  
32 production of architectural paint or the geographic area or  
33 customers to which paint will be sold.

34  
35 <sup>2</sup>[10] 9<sup>2</sup>. a. One year after the department provides  
36 notification to a producer or representative organization of its  
37 approval of a plan in accordance with section 6 of this act, and  
38 annually thereafter, the producer or representative organization, as  
39 the case may be, shall submit a report to the department describing  
40 its architectural paint stewardship program. The report shall  
41 include, at a minimum:

42 (1) a description of the methods used to reduce, reuse, collect,  
43 transport, recycle, and process post-consumer architectural paint  
44 under the program <sup>2</sup>, consistent with the federal waste management  
45 hierarchy<sup>2</sup>;

- 1 (2) the pounds of latex and oil-based post-consumer  
2 architectural paint collected under the program during the preceding  
3 year;
- 4 (3) the volume of post-consumer architectural paint processed  
5 under the program by method of disposition, including reuse,  
6 recycling, energy recovery, incineration, and disposal in accordance  
7 with environmentally sound management practices;
- 8 (4) the estimated volume of post-consumer architectural paint  
9 collected at each collection site under the program;
- 10 (5) a list of all processors of post-consumer architectural paint  
11 from the time of collection to final disposition that are used in the  
12 program and the disposition method used by each processor;
- 13 (6) a list of all producers participating in the program;
- 14 (7) the total volume of architectural paint sold in the State  
15 during the preceding year based upon the collection of the paint  
16 stewardship assessment;
- 17 (8) the total cost of implementing the program, which shall  
18 include <sup>2</sup>, but need not be limited to,<sup>2</sup> separate figures for the cost  
19 of collection, transportation, disposition, communication, and  
20 independent financial audit;
- 21 (9) an evaluation of the effectiveness of the program and any  
22 steps necessary to improve the program; <sup>2</sup>[and]<sup>2</sup>
- 23 (10) samples of the educational materials provided to consumers  
24 of architectural paint, together with an evaluation of the methods  
25 used to disseminate those materials <sup>2</sup>[,]<sup>2</sup> and an assessment of the  
26 educational and outreach effectiveness of those materials <sup>2</sup>; and
- 27 (11) a certification to the validity of the information contained  
28 in the report<sup>2</sup>.
- 29 b. Within 90 days after receipt of an annual report, the  
30 department <sup>2</sup>[shall] may<sup>2</sup> meet with interested stakeholders to  
31 review it. <sup>2</sup>[The] If the<sup>2</sup> department <sup>2</sup>chooses to meet with  
32 interested stakeholders, the department<sup>2</sup> shall post <sup>2</sup>the<sup>2</sup> minutes of  
33 <sup>2</sup>[the] each<sup>2</sup> stakeholder meeting <sup>2,2</sup> on its Internet website <sup>2,2</sup>  
34 within 30 days after the date of the meeting.
- 35 c. Each report submitted pursuant to subsection a. of this  
36 section shall be posted on the department's Internet website. The  
37 department shall not disclose financial, production, or sales data  
38 reported by a producer or representative organization pursuant to  
39 this section, except that the department may disclose such data in  
40 aggregate or summary format, provided that individual producers,  
41 distributors, or retailers and their financial, production, or sales data  
42 are not specifically identified, and the summary omits any reference  
43 to unique characteristics from which the identities of individual  
44 producers, distributors, or retailers might be inferred or otherwise  
45 ascertained.

1       <sup>2</sup>10. The department shall adopt, pursuant to the “Administrative  
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
3 regulations as are necessary to effectuate the purposes of this act.<sup>2</sup>

4

5       11. This act shall take effect immediately, except that section  
6 <sup>2</sup>**[8]** 7<sup>2</sup> of this act shall take effect on the first day of the 18th  
7 month after the date of enactment of this act.