SYNOPSIS
Requires new flooring for schools and child care centers to be certified mercury free.

CURRENT VERSION OF TEXT
As reported by the Assembly Consumer Affairs Committee on February 3, 2022, with amendments.

(Sponsorship Updated As Of: 11/21/2022)
AN ACT concerning schools and child care centers and
supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. [No] A construction permit shall not be issued
pursuant to section 12 of P.L.1975, c.217 (C.52:27D-130) for the
construction, reconstruction, alteration, conversion, repair, or
upgrade of flooring in [a school or child care center] any
building or structure to be used or currently in use as a school, as
defined in this section, or child care center, licensed pursuant to the
provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) unless the
applicant presents a certification issued by the manufacturer of the
flooring materials to be used in the construction, reconstruction,
alteration, conversion, repair, or upgrade of the school or child care
center in the project that the materials are free of mercury and
compounds containing mercury; and

(1) presents a certification issued by the manufacturer of the
flooring materials to be used in the construction, reconstruction,
alteration, conversion, repair, or upgrade of the school or child care
center in the project that the materials are free of mercury and
compounds containing mercury; or

(2) in the case of a project that includes a building or structure
containing existing flooring:

(a) presents a certification issued in accordance with subsection
b. of section 2 of P.L. , c. (C. ) (pending before the
Legislature as this bill) that the existing flooring material is free of
mercury and compounds containing mercury; or

(b) certifies that the flooring materials shall be removed prior to
installation of new flooring material, in accordance with subsection
a. of section 2 of P.L. , c. (C. ) (pending before the
Legislature as this bill).

b. Notwithstanding the provisions of subsection a. of this
subsection, a construction permit may be issued for the
construction, reconstruction, alteration, conversion, repair, or
upgrade of flooring in any building or structure to be used as a
school, as defined in this section, or child care center licensed
pursuant to the provisions of P.L.1983, c.492, if the construction
permit is necessary to perform work in the building or structure in
order to comply with the rules and regulations adopted pursuant to
subsection a. of section 2 of P.L. , c. (C. ) (pending before the
Legislature as this bill) and obtain the certification issued by the
Department of Health pursuant to subsection c. of section 2 of
P.L. , c. (C. ) (pending before the Legislature as this bill).

A construction permit issued pursuant to this subsection shall be
limited to the construction or alterations necessary to comply with
the rules and regulations adopted pursuant to subsection a. of

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 February 3, 2022.
section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill).\(^1\)

\(^1\)[b.] \(\leq\) A manufacturer of flooring used in the construction, reconstruction, alteration, conversion, repair, or upgrade of a school or child care center that issues a certification falsely stating that the flooring is free of mercury and compounds containing mercury, shall be liable to a civil penalty of $10,000 for a first offense and $25,000 for a second or subsequent offense, which penalty may be collected and enforced by the local enforcing agency by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

\(^1\)[c.] \(\leq\) As used in this section:

"Child care center" means a child care center licensed pursuant to the provisions of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

"School" means a public or nonpublic school containing any of the grades kindergarten through 12.

\(^1\) Within six months after the effective date of P.L. , c. (pending before the Legislature as this bill) the Commissioner of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that establish: (1) procedures for the evaluation and assessment of flooring material installed in buildings or structures that are to be used for or currently are in use as a school, as defined subsection d. of section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), or child care center, licensed pursuant to the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.), for the presence of mercury and mercury containing compounds; and (2) standards for the removal and disposal of flooring material that contains mercury and mercury containing compounds.

b. The commissioner shall establish an application process for the certification issued pursuant to subsection c. of this section. Every application for a certification shall be accompanied by a fee, established in accordance with a fee schedule adopted by the department, by rule or regulation, reflecting the costs of reviewing and processing the application. Fees collected pursuant to this subsection shall be deposited into a separate account, and shall be dedicated for use by the department solely for the purposes of administering and enforcing the provisions of this section and any rules or regulations adopted pursuant thereto.

c. Upon a demonstration to the department by the applicant that the procedures established pursuant to subsection a. of this section have been followed and that the installed flooring material does not contain mercury or mercury containing compounds, the department shall issue a certification that the applicant is not
This act shall take effect 90 days after on the first day of the third month next following the date of enactment, except that the Commissioner of Health may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.