ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3801

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2024

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 3801.

As reported, 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 be required 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.