

[First Reprint]

SENATE, No. 2359

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

"Mattress Stewardship Act;" requires mattress producers to join stewardship organization and implement mattress stewardship program.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on October 8, 2026, with amendments.



(Sponsorship Updated As Of: 10/8/2026)

1 AN ACT concerning the collection and disposal of mattresses in the
2 State and supplementing Title 13 of the Revised Statutes.

3

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

6

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

9

10 2. As used in this act:

11 “Brand” means a name, symbol, word, or mark that attributes a
12 mattress to the producer of the mattress.

13 “Consumer” means a person who purchases a mattress for use in
14 the State.

15 “Department” means the Department of Environmental
16 Protection.

17 “Discarded mattress” means a mattress that has been used in the
18 State and abandoned or discarded in the State. “Discarded
19 mattress” does not include a mattress transported from outside of
20 the State to be discarded in the State.

21 “Environmentally sound management” means policies or
22 procedures for the collection, storage, transportation, renovation,
23 and recycling or disposal of discarded mattresses, which are
24 implemented by a stewardship organization to: ensure compliance
25 with all applicable federal, State, and local laws, rules, regulations,
26 and ordinances; protect human health and the environment; and
27 address matters including, but not limited to, adequate
28 recordkeeping and accurate tracking and documentation of the
29 collection, transportation, renovation, and recycling or disposal of
30 discarded mattresses within the State.

31 “Final disposition” means the point by which no further
32 processing takes place and a discarded mattress and its components
33 have been recycled, renovated, or disposed of.

34 “Functionally equivalent document” means a document provided
35 by a retailer or renovator to a consumer from the stewardship
36 organization that includes information about the stewardship
37 assessment and options available to consumers for the free drop-off
38 or collection of used mattresses.

39 “Foundation” means a ticking-covered structure that is used to
40 support a mattress or sleep surface and that may be constructed of
41 frames, foam, box springs, or other materials used alone or in
42 combination.

43 “Mattress” means: (1) a resilient material or combination of
44 materials that is enclosed by a ticking, is used alone or in

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:

¹Senate SEG committee amendments adopted October 8, 2026.

1 combination with other products, and is intended for sleeping upon;
2 or (2) a foundation. “Mattress” includes a foundation and a
3 renovated mattress or renovated foundation. “Mattress” does not
4 include an unattached mattress pad or unattached mattress topper,
5 including items with resilient filling, with or without ticking,
6 intended to be used with or on top of a mattress; a sleeping bag or
7 pillow; a car bed, crib, or bassinet mattress; juvenile products,
8 including a carriage, basket, dressing table, stroller, playpen, infant
9 carrier, lounge pad, or crib bumper, and the pads for those juvenile
10 products; a product containing liquid- and gaseous-filled ticking,
11 including a water bed and an air mattress that does not contain
12 upholstery material between the ticking and the mattress core; or
13 upholstered furniture that does not otherwise contain a detachable
14 mattress or that is a fold out sofa bed or futon.

15 “Mattress stewardship program” means a mattress stewardship
16 program established and implemented by a stewardship
17 organization pursuant to this act.

18 “Person” means an individual, a corporation, an organization, or
19 other legal entity.

20 “Premium service” means a service such as at-home pickup
21 service, including curbside pickup service.

22 “Producer” means any person that: (1) manufactures a mattress
23 that is sold, offered for sale, or distributed in the State; (2) is the
24 owner of a trademark or brand under which a mattress is sold,
25 offered for sale, or distributed in the State, whether or not such
26 trademark or brand is registered in the State; or (3) imports a
27 mattress into the United States that is sold or offered for sale in the
28 State.

29 “Program mattress” means a discarded mattress that a
30 stewardship organization will provide for the environmentally
31 sound management of under a mattress stewardship program.

32 “Recycler” means a person that recycles discarded mattresses.

33 “Recycling” means any process in which discarded mattresses or
34 discarded mattress components are dismantled and transformed into
35 new, useable, or marketable materials.

36 “Renovate” means the process of altering a discarded mattress
37 for resale by adding to or replacing the ticking or filling, adding
38 additional filling, or replacing mattress components. “Renovate”
39 does not include: stripping a discarded mattress of the ticking or
40 filling without adding new material; the sanitation or sterilization of
41 a discarded mattress without other alteration of the discarded
42 mattress; recycling; or refurbishing that disqualifies a mattress from
43 having a red wholesale renovator tag affixed to the mattress.

44 “Renovator” means a person that person that renovates a
45 discarded mattress.

46 “Retailer” means a person that offers new, used, or renovated
47 mattresses for retail sale in the State.

1 “Stewardship assessment” means the per unit amount added to
2 the purchase price of a mattress sold to a customer to cover the
3 costs of a mattress stewardship program.

4 “Stewardship organization” means a nonprofit organization
5 designated by a producer or group of producers to implement a
6 mattress stewardship program.

7 “Ticking” means the outermost layer of fabric or related material
8 of a mattress or foundation. “Ticking” does not include any layer
9 of fabric or material quilted together with, or otherwise attached to,
10 the outermost layer of fabric or material of a mattress.

11
12 3. a. No later than one year after the effective date of this act,
13 each producer shall join a stewardship organization in order to
14 implement a mattress stewardship program. The purpose of a mattress
15 stewardship program shall be to provide for the environmentally sound
16 management of discarded mattresses in the State.

17 b. No later than one year after the effective date of this act, each
18 retailer or renovator that sells or offers for sale mattresses in this State
19 shall register with a stewardship organization and comply with the
20 provisions of this act.

21 c. No later than one year after the effective date of this act, a
22 stewardship organization shall prepare and submit to the department a
23 plan for the development and implementation of a mattress
24 stewardship program. The plan shall, at a minimum:

25 (1) describe how the stewardship organization will manage and
26 administer the mattress stewardship program;

27 (2) identify, in two separate lists: (a) each producer, renovator, and
28 retailer that is registered with the stewardship organization as of 30
29 days before the plan is submitted to the department; and (b) the brands
30 of mattresses that are included in the stewardship program;

31 (3) include a description of how the stewardship organization will
32 provide for the environmentally sound management of program
33 mattresses, regardless of the producer. The description shall include,
34 at a minimum:

35 (a) the identification of the proposed recyclers that the stewardship
36 organization will contract with to process program mattresses and the
37 recycling methods that the recyclers will use;

38 (b) information concerning the methods the stewardship
39 organization will utilize to implement the mattress stewardship
40 program using environmentally sound management practices; and

41 (c) information concerning the methods the stewardship
42 organization will utilize to handle non-program mattresses;

43 (4) provide for convenient consumer access to the program,
44 including¹:

45 (a)¹ the establishment of ¹at least one¹ permanent mattress drop-
46 off ¹locations throughout ¹location in each county of¹ the State¹ ¹;

47 (b) the establishment of additional permanent mattress drop-off
48 locations in urban and densely populated areas of the State. In

1 determining what areas of the State require additional mattress drop-
2 off locations, the stewardship organization shall consult with
3 municipalities and utilize geographic information systems mapping
4 technologies, or other analyses, to determine locations that provide the
5 most convenience for residents;

6 (c) organizing¹ collection events in underserved areas of the
7 State¹ **[(, and)]** ;

8 (d) providing¹ a convenient way for the public to access a list of
9 mattress collection opportunities; ¹and

10 (e) allowing for the drop-off discarded mattresses without plastic
11 wrapping;¹

12 (5) ¹require the use of existing infrastructure and programs within
13 the State, where practicable, cost-effective, and mutually agreeable. In
14 determining if the use of existing infrastructure and programs within
15 the State is practicable, cost-effective, and mutually agreeable, the
16 stewardship organization shall consult with stakeholders operating the
17 existing infrastructure and programs;

18 (6)¹ establish performance goals for the stewardship program,
19 including a mattress collection target and mattress recycling rates;

20 ¹**[(6)]** (7)¹ include a proposed mattress stewardship assessment
21 and a proposed method of collecting the mattress stewardship
22 assessment from retailers and ensuring the mattress stewardship
23 assessment is remitted to the stewardship organization. A proposed
24 mattress assessment shall be sufficient to recover, but not exceed, the
25 costs of implementing and administering the mattress stewardship
26 program;

27 ¹**[(7)]** (8)¹ describe the educational materials and outreach efforts
28 that will be utilized to inform consumers about the mattress
29 stewardship program, including mattress collection opportunities;

30 ¹**[(8)]** (9)¹ address procedures for identifying substantial or
31 material changes to the system for collecting discarded mattresses for
32 which a plan amendment would be required pursuant to section 5 of
33 this act;

34 ¹**[(9)]** (10)¹ develop the criteria for determining whether a
35 mattress should be rejected as unacceptable for recycling, including
36 when a mattress is contaminated, wet, crushed, or would otherwise
37 pose a health or safety risk to personnel or equipment, and a procedure
38 for how these rejected mattresses should be disposed of;

39 ¹**[(10)]** (11)¹ include an anticipated annual operating budget for
40 the mattress stewardship program, which shall include, but need not be
41 limited to, budget line items related to:

42 (a) the collection, transportation, and processing of program
43 mattresses;

44 (b) the anticipated amount of moneys that the stewardship
45 organization will hold in unallocated reserve funds for the mattress
46 stewardship program; and

1 (c) the annual fee to be paid to the department pursuant to
2 subsection d. of section 12 of this act; and

3 ¹~~[(11)]~~ (12)¹ include information on if the stewardship
4 organization plans to implement any of the compliance standards that
5 are optional to include within a mattress stewardship program pursuant
6 to subsection g. of section 6 of this act.

7
8 4. a. Within 60 days of the department's receipt of a plan
9 submitted in accordance with subsection c. of section 3 of this act,
10 the commissioner shall approve or disapprove the plan, including
11 the mattress stewardship assessment identified therein, and provide
12 written notice of its determination to the stewardship organization.
13 If the department does not provide notice of its determination
14 within 60 days after its receipt of the plan, the plan shall be deemed
15 to have been approved.

16 b. If the commissioner disapproves a plan submitted pursuant to
17 subsection c. of section 3 of this act, the written notice provided
18 pursuant to subsection a. of this section shall be accompanied by a
19 list, prepared by the department, describing the plan requirements,
20 established in subsection c. of section 3 this act, that have not been
21 satisfied, and the changes that are required for the plan to be
22 approved. No more than 30 days after receipt of the department's
23 written notice and accompanying statement of the reasons for the
24 disapproval of a plan submitted pursuant to subsection c. of section
25 3 of this act, the stewardship organization shall submit a modified
26 plan to the department for approval.

27 c. Within 30 days after receipt of a modified plan that has been
28 submitted in accordance with subsection b. of this section, the
29 department shall approve the plan or reject it, and shall certify the
30 approval or rejection to the stewardship organization. Upon the
31 department's disapproval of any modified plan submitted pursuant
32 to subsection b. of this section, or upon the failure of the
33 stewardship organization to submit a modified plan as required, the
34 department shall propose any revisions to the plan the department
35 deems necessary, and shall transmit the proposed plan revisions to
36 the stewardship organization. Upon receipt of the department's
37 proposed revisions to the plan, the stewardship organization shall
38 implement the revised plan unless otherwise agreed to by the
39 department.

40 d. Beginning no later than one year after a plan has been
41 approved by the department pursuant to this section, the
42 stewardship organization shall implement a mattress stewardship
43 program as described in the approved plan.

44 e. The department shall post a proposed plan, submitted to the
45 department pursuant to subsection c. of section 3 of this act, or a
46 plan amendment submitted pursuant to section 5 of this act, on its
47 Internet website and provide for public comment on the proposed
48 plan or plan amendment for at least 15 days prior to approving,

1 disapproving, or requesting any information on the plan or plan
2 amendment. The department shall post an approved plan on its
3 Internet website, and update as necessary.

4
5 5. a. A stewardship organization shall notify the department, in
6 writing, within 30 days of any of the following changes to the plan
7 approved pursuant to section 4 of this act:

8 (1) a change in the location or the number of permanent
9 collection sites identified in the plan;

10 (2) change in the producers, renovators, or retailers that are
11 registered with the stewardship organization; or

12 (3) a change in the recyclers or renovators and transporters that
13 manage the discarded mattresses collected by the stewardship
14 organization under the program.

15 b. A stewardship organization shall submit an amendment to the
16 plan approved by the department pursuant to section 4 of this act if,
17 at any time, there is a substantial or material change to the system
18 for collecting discarded mattresses under the program.

19 c. The department shall not request an amendment to an
20 approved plan within two years of the initial implementation of the
21 mattress stewardship program by the stewardship organization.

22 d. A proposed change to the amount of the mattress stewardship
23 assessment shall not require a program plan amendment.

24 e. All proposed amendments to an approved plan shall be
25 submitted to the department for approval in accordance with the
26 requirements of section 4 of this act.

27 f. The department's rejection of, or request for additional
28 information for, a plan amendment does not relieve a stewardship
29 organization from continuing to implement a mattress stewardship
30 program in compliance with a previously approved plan pending a
31 final action by the department on the plan amendment.

32
33 6. a. Beginning one year after the effective date of this act, a
34 producer, renovator, or retailer shall not sell or offer for sale any
35 mattress to any person in the State unless the producer, renovator, or
36 retailer is registered with a stewardship organization that has submitted
37 a plan to the department pursuant to subsection c. of section 3 of this
38 act to implement a mattress stewardship program.

39 b. Beginning on the date that a mattress stewardship program has
40 been implemented in the State, a retailer shall:

41 (1) purchase a mattress only from a producer or renovator that is
42 registered with a stewardship organization as of the date of purchase;

43 (2) collect, at the point of sale, the mattress stewardship assessment
44 established pursuant to a plan approved by the department pursuant to
45 section 4 of this act and remit the stewardship assessment to the
46 stewardship organization that implements the mattress stewardship
47 program, except as provided in subsection c. of this section if the

1 retailer or renovator elects to cover the costs of the stewardship
2 assessment; and

3 (3) provide to consumers, at the point of sale, information on
4 collection opportunities for discarded mattresses through the mattress
5 stewardship program.

6 c. Notwithstanding the provisions of paragraph (2) of subsection
7 b. of this section, a retailer or renovator may directly pay the
8 applicable charge of the stewardship assessment to the stewardship
9 organization on behalf of the consumer or ultimate end user of the
10 mattress if the retailer or renovator enters into a written agreement
11 with the stewardship organization to remit the applicable charge of the
12 stewardship assessment to the stewardship organization on behalf of
13 the consumer. A retailer or renovator that elects to cover the costs of
14 the stewardship assessment pursuant to this subsection may make the
15 charge visible on the receipt, invoice, or functionally equivalent
16 document.

17 d. Beginning on the date that a mattress stewardship program has
18 been implemented in the State, a retailer shall be deemed to be in
19 compliance with the provisions of this section, if on the date the
20 mattress was ordered from the producer or its agent, the producer of
21 the mattress brand is listed on the department's Internet website as
22 implementing or participating in an approved mattress stewardship
23 program.

24 e. A retailer or renovator shall identify the mattress stewardship
25 assessment as a separate line item on the receipt, invoice, or
26 functionally equivalent document for a mattress provided to a
27 consumer at the point of sale, except as provided in subsection c. of
28 this section if the retailer or renovator elects to cover the costs of the
29 stewardship assessment.

30 f. In implementing a mattress stewardship program, the
31 stewardship organization shall make available on the stewardship
32 organization's Internet website and upon request:

33 (1) information on registered brands provided to the stewardship
34 organization by the producers and renovators registered with the
35 stewardship organization;

36 (2) information on available mattress collection opportunities; and

37 (3) any other information that may be necessary for retailers to
38 comply with the requirements of this section.

39 g. In implementing a mattress stewardship program, a stewardship
40 organization may, if included in the plan approved by the department
41 pursuant to section 4 of this act:

42 (1) provide for collection sites at permitted solid waste facilities or
43 other suitable sites throughout the State for the collection of discarded
44 mattresses, provided such sites do not impose a fee for making space
45 available for storage containers that the stewardship organization shall
46 provide at no charge;

47 (2) provide for bulk pickup service at no cost to collect a minimum
48 of 100 source separated program mattresses at one time from persons,

1 including retailers; health care, educational, or military facilities; and
2 hotels, motels, inns, and other establishments that provide transient
3 lodging;

4 (3) provide for coordination with organizations that recycle or
5 renovate discarded mattresses; and

6 (4) notify retailers that sell or offer for sale mattresses that are
7 made or sold by producers or renovators registered with the
8 stewardship organization about the mattress stewardship program.

9 h. In implementing a mattress stewardship program, a stewardship
10 organization shall 'provide ongoing, visible, and convenient access to
11 program services and shall' charge no fee for the collection of
12 discarded program mattresses, except that a stewardship organization
13 may charge a fee if a mattress is collected using a premium service. A
14 fee charged for a premium service shall only cover the costs of the
15 premium service.

16 i. A stewardship organization shall retain all records related to the
17 implementation of a mattress stewardship program for not less than
18 three years and make the records available for inspection by the
19 department upon request.

20

21 7. a. Beginning one year from the date the collection of the
22 stewardship assessment commences, the stewardship organization
23 may change the amount of the stewardship assessment, but changes
24 to the amount of the stewardship assessment shall not be changed
25 more frequently than annually, unless the stewardship organization
26 provides good cause to the department to change the assessment
27 more frequently. The stewardship organization shall provide at
28 least 90 days' notice to the public before the change in the amount
29 of the stewardship assessment is implemented.

30 b. The stewardship organization may conduct a financial review
31 of the stewardship assessments remitted by retailers and renovators
32 to the mattress recycling organization to verify that the assessments
33 paid are proper and accurate and to confirm that all parties required
34 by to pay or collect the assessment are paying or collecting the
35 proper amount. The financial review shall be carried out in
36 accordance with generally accepted auditing practices and shall be
37 limited in scope to confirm whether the stewardship assessment has
38 been properly collected on all sales of mattresses to consumers in
39 the State. The stewardship organization shall hire independent
40 third-party auditors to conduct the financial review. The
41 stewardship organization shall provide to the department a copy of
42 such financial review reports.

43 c. The department shall actively supervise the conduct of a
44 stewardship organization in establishing, administering, collecting,
45 and disbursing the mattress stewardship assessment.

46

47 8. a. There is established the "Mattress Stewardship Fund" as a
48 separate, non-lapsing fund in the Department of the Treasury. The

1 “Mattress Stewardship Fund” shall be credited with all surcharges,
2 interest, penalties, and other amounts collected and paid to the
3 Division of Taxation in the Department of the Treasury pursuant to
4 this section. Moneys in the “Mattress Stewardship Fund” shall be
5 expended only to: (1) administer and enforce the provisions of this
6 act; or (2) implement an approved mattress stewardship plan. Prior
7 to making an expenditure from the fund, the department shall
8 consult with the stewardship organization implementing an
9 approved mattress stewardship plan and shall follow the
10 recommendations of the stewardship organization regarding
11 expenditures from the fund, provided that the department
12 determines that the expenditures are in the public interest.

13 b. Monies deposited in the fund shall be held in interest-bearing
14 accounts in public depositories, as defined pursuant to section 1 of
15 P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in
16 such securities as are approved by the State Treasurer. Interest or
17 other income earned on monies deposited into the fund shall be
18 credited to the fund for use as set forth in subsection a. of this
19 section for other monies in the fund.

20 c. Moneys appropriated from the “Mattress Stewardship Fund”
21 shall not replace or reduce the allocation of any other funding.
22

23 9. a. The department shall have the authority to enter upon and
24 inspect, at any time, any public or private property, premises, or
25 place for the purpose of investigating an actual or suspected
26 violation of this act, all in accordance with due process of law.

27 b. The department shall publish, and update on a continual basis,
28 a list on its Internet website of all producers, renovators, and
29 retailers that are in compliance with the provisions of this act.

30 c. Upon a written finding by the department, that a producer,
31 renovator, or retailer has not complied with the requirements of this
32 act, in addition to other penalties authorized under section 10 of this
33 act, the department may, after affording the producer, renovator, or
34 retailer a reasonable opportunity to respond to, or rebut, the finding
35 to ensure compliance with the requirements of this act, remove the
36 producer, renovator, or retailer from the list of compliant producers,
37 renovators, and retailers published on the department’s Internet
38 website pursuant to subsection b. of this section.
39

40 10. a. Whenever the commissioner finds that a person has
41 violated any provision of this act, any rule or regulation adopted
42 pursuant thereto, or any provision of a stewardship plan approved
43 thereunder, or has knowingly made a false statement,
44 representation, or certification in any application, record, plan, or
45 other document filed or required to be maintained pursuant to this
46 act, the commissioner may:

47 (1) issue an order, in accordance with subsection c. of this
48 section, requiring the violator to comply with the provisions of this

1 act, the rules or regulations adopted pursuant thereto, or the
2 stewardship plan approved thereunder, as the case may be;

3 (2) bring a civil action in accordance with subsection d. of this
4 section;

5 (3) levy a civil administrative penalty in accordance with
6 subsection e. of this section;

7 (4) bring an action for a civil penalty in accordance with
8 subsection f. of this section; or

9 (5) notify the public of a producer, renovator, or retailer that is
10 not in compliance with the requirements of this act.

11 b. Pursuit of any of the remedies specified under this section
12 shall not preclude the seeking of any other remedy specified.

13 c. Whenever the commissioner finds that a person has violated
14 the provisions of this act, any rule or regulation adopted pursuant
15 thereto, or any provision of a stewardship plan approved thereunder,
16 the commissioner may issue an administrative enforcement order to
17 the person: specifying the provision or provisions that the person
18 has violated; citing the action that constituted the violation;
19 requiring the person's compliance with the provision violated; and
20 giving notice of the person's right to a hearing on the matters
21 contained in the administrative enforcement order. The person
22 subject to the order shall have 20 calendar days from receipt of the
23 order within which to deliver to the commissioner a written request
24 for a hearing. After the hearing, and upon finding that a violation
25 has occurred, the commissioner may issue a final order. If no
26 hearing is requested, the order shall become final after the
27 expiration of the 20-day period. A request for hearing shall not
28 automatically stay the effect of the order.

29 d. The commissioner shall be authorized to institute a civil
30 action in Superior Court for appropriate relief from any violation of
31 the provisions of this act, or of any rule or regulation adopted
32 pursuant thereto, or of a stewardship plan approved thereunder.
33 Such relief may include, singly or in combination:

34 (1) a temporary or permanent injunction;

35 (2) recovery of the reasonable costs of any investigation or
36 inspection that led to the discovery of the violation, and for the
37 recovery of the reasonable costs of preparing and bringing a civil
38 action commenced under this subsection;

39 (3) recovery of reasonable costs incurred by the State in
40 removing, correcting, or terminating the adverse effects resulting
41 from the violation for which a civil action has been commenced and
42 brought under this subsection; and

43 (4) recovery of compensatory damages caused by a violation for
44 which a civil action has been commenced and brought under this
45 subsection. Assessments under this subsection shall be paid to the
46 State Treasurer, except that compensatory damages may be paid by
47 specific order of the court to any persons who have been aggrieved
48 by the violation.

1 e. (1) The commissioner shall be authorized to assess a civil
2 administrative penalty not to exceed \$1,000 for each violation,
3 provided that each day during which the violation continues shall
4 constitute an additional, separate, and distinct offense. In assessing
5 a civil administrative penalty, the commissioner shall consider the
6 severity of the violation, the measures taken to prevent further
7 violations, and whether the penalty will act as an appropriate
8 deterrent.

9 (2) Prior to the assessment of a civil administrative penalty
10 under this subsection, the person committing the violation shall be
11 notified by certified mail or personal service that the penalty is
12 being assessed. The notice shall identify the section of the statute,
13 rule, regulation, or order, or the provision of the stewardship plan,
14 that was violated; recite the facts alleged to constitute a violation;
15 state the basis for the amount of the civil administrative penalties to
16 be assessed; and affirm the rights of the alleged violator to a
17 hearing. The ordered party shall have 20 days from receipt of the
18 notice within which to deliver to the commissioner a written request
19 for a hearing. After the hearing and upon finding that a violation
20 has occurred, the commissioner may issue a final order after
21 assessing the amount of the fine specified in the notice. If no
22 hearing is requested, the notice shall become a final order after the
23 expiration of the 20-day period. Payment of the assessment is due
24 when a final order is issued or the notice becomes a final order.

25 (3) The authority to levy an administrative order is in addition to
26 all other enforcement provisions in this act, and the payment of any
27 assessment shall not be deemed to affect the availability of any
28 other enforcement provisions in connection with the violation for
29 which the assessment is levied. The department may compromise
30 any civil administrative penalty assessed under this section in an
31 amount and with conditions the department determines appropriate.

32 f. A person who violates any provision of this act, or any rule
33 or regulation adopted pursuant thereto, or the provisions of a
34 stewardship plan approved thereunder, or an administrative order
35 issued pursuant to subsection c. of this section, or a court order
36 issued pursuant to subsection d. of this section, or who fails to pay a
37 civil administrative penalty in full pursuant to subsection e. of this
38 section, or who knowingly makes any false or misleading statement
39 on any application, record, report, or other document required to be
40 submitted to the department, shall be subject, upon order of a court,
41 to a civil penalty not to exceed \$1,000 per day of the violation, and
42 each day during which the violation continues shall constitute an
43 additional, separate, and distinct offense. Any civil penalty
44 imposed pursuant to this subsection may be collected with costs in a
45 summary proceeding pursuant to the "Penalty Enforcement Law of
46 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), or may be collected in
47 a civil action commenced by the commissioner. In addition to any
48 penalties, costs, or interest charges, the Superior Court, or the

1 municipal court as the case may be, may assess against the violator
2 the amount of economic benefit accruing to the violator from the
3 violation.

4 g. All penalties collected by the department pursuant to this act
5 shall be deposited into the “Mattress Stewardship Fund” established
6 pursuant to section 8 of this act, and appropriated annually for the
7 continued administration and enforcement of this act.

8

9 11. a. Except as provided in subsection b. of this section, the
10 establishment, administration, setting, collection, and disbursement
11 of the stewardship assessment by a stewardship organization shall
12 not be deemed to constitute a violation of any State law relating to
13 antitrust, restraint of trade, unfair trade practices, or the regulation
14 of trade or commerce, so long as the action is necessary to plan for
15 or implement a mattress stewardship program.

16 b. The provisions of subsection a. of this section shall not apply
17 to:

18 (1) any agreement establishing or affecting the price of a
19 mattress unrelated to the mattress stewardship assessment; or

20 (2) any agreement restricting the output or production of a
21 mattress or the geographic area or customers to which a mattress
22 will be sold.

23

24 12. a. No later than July 1 of the year after a mattress
25 stewardship program is implemented, and annually thereafter, a
26 stewardship organization shall prepare and submit a written report
27 to the department evaluating the implementation of the mattress
28 stewardship program. Each annual report shall include, the
29 following information:

30 (1) the total sales of mattresses sold to consumers in the State in
31 the previous calendar year by producers, renovators, and retailers
32 registered with the stewardship organization;

33 (2) the mattress stewardship program’s total costs and revenues
34 for the previous calendar year;

35 (3) information on the amount and tonnage of discarded
36 mattresses collected pursuant to the mattress stewardship program
37 for recycling during the previous calendar year;

38 (4) the weight of mattress materials recycled and the final
39 disposition of mattress materials, by weight and by material, sold as
40 commodities in secondary markets;

41 (5) the weight of program mattress materials sent for disposal at
42 each of the following:

43 (a) waste-to-energy facilities;

44 (b) landfills; and

45 (c) any other facilities;

46 (6) an evaluation of why the mattress materials sent for disposal
47 were not recycled and a description of program efforts to increase

- 1 the recycling rate of mattress materials under the mattress
- 2 stewardship program;
- 3 (7) the strategies that the stewardship organization will take to
- 4 address discarded mattresses that are not program mattresses and
- 5 discarded mattresses that are illegally dumped;
- 6 (8) a summary of the public education offered in the previous
- 7 calendar year that supports the mattress stewardship program and
- 8 examples of public education materials;
- 9 (9) an evaluation of the effectiveness of methods and processes
- 10 used to achieve the approved program plan goals of the mattress
- 11 stewardship program, information on progress made toward
- 12 achieving the goals, an explanation of why any goals were not met
- 13 during the previous calendar year, if applicable, and any options for
- 14 improving progress toward meeting the goals in the future, if
- 15 applicable;
- 16 (10) a report by an independent certified public accountant,
- 17 retained by the stewardship organization at the stewardship
- 18 organization's expense, providing the accountant's audit of the
- 19 stewardship organization's financial statements;
- 20 (11) a report on the outcome of the financial review of any
- 21 entities the stewardship organization contracts with;
- 22 (12) recommendations for changes to the mattress stewardship
- 23 program; and
- 24 (13) an updated operating budget for the mattress stewardship
- 25 program for the upcoming calendar year.
- 26 b. Within 90 days of receiving an annual report submitted to the
- 27 department pursuant to subsection a. of this section, the department
- 28 shall:
- 29 (1) review the report;
- 30 (2) publish the report on the department's Internet website; and
- 31 (3) prepare, and publish on the department's Internet website, a
- 32 summary report describing the progress that is being made under
- 33 the mattress stewardship program.
- 34 c. The department shall not disclose any financial, production,
- 35 or sales data reported by a producer, renovator, or retailer pursuant
- 36 to this section, except that the department may disclose such data in
- 37 aggregate or summary format, so long as the producers, renovators,
- 38 and retailers and their financial, production, or sales data are not
- 39 specifically identified, and so long as the summary omits any
- 40 reference to unique characteristics from which the identities of
- 41 individual producers might be inferred or otherwise ascertained.
- 42 d. Within 90 days of receiving the initial annual report
- 43 submitted on behalf of the stewardship organization pursuant to
- 44 subsection a. of this section, the department shall establish an
- 45 annual fee to be paid by the stewardship organization that is
- 46 reasonably calculated to cover the actual costs of the department to
- 47 administer, implement, and enforce the provisions of this act.

- 1 e. Except as provided in subsection d. of this section, for the
2 first year that the mattress stewardship program is implemented, the
3 department shall provide notice to a stewardship organization no
4 later than April 1 of each year of the annual fee for the upcoming
5 calendar year.
- 6 f. Annual fees collected pursuant to subsections d. and e. of this
7 section shall be deposited in the “Mattress Stewardship Fund”
8 established pursuant to section 8 of this act.
- 9
- 10 13. The department shall adopt, pursuant to the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
12 regulations as are necessary to effectuate the purposes of this act.
- 13
- 14 14. This act shall take effect immediately.