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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

Adopted Amendments: N.J.A.C. 13:45A-24.1 and 24.3

Unsafe Children's Products

Proposed: March 3, 2008 at 40 N.J.R. 1075(a).

Adopted: May 9, 2008 by Lawrence DeMarzo, Acting Director, Division of Consumer Affairs.

Filed: May 15, 2008 as R.2008 d.154, without change.

Authority: N.J.S.A. 56:8-4.

Effective Date: June 16, 2008.

Expiration Date: March 21, 2011.

Federal Standards Statement

A Federal standards analysis is not applicable to this rulemaking because the adopted amendments do not contain standards; rather, they should make consumers more aware of action taken by a Federal agency. As such, the adopted amendments are complementary to the Federal program.

Full text of the adoption follows:

13:45A-24.1 Purpose and scope

(a) The purpose of this subchapter is:

1. (No change.)

2. To implement P.L. 1991, c.295, by setting forth regulations for disseminating notice of defective or hazardous toys or other articles intended for use by children;

3. To implement P.L. 1991, c.323, by setting forth regulations for a notice promoting the use of helmets to be affixed to bicycles sold at retail in the State of New Jersey; and

4. To implement P.L. 2007, c. 124, by setting forth regulations concerning the dissemination of a list of children's products that have been identified as unsafe.

(b) (No change.)

13:45A-24.3 Recall notices for children's products

(a) As used in this section, the following words shall have the following meanings:

"Child" means a person less than 14 years of age.

"Children's product" means a product, including, but not limited to, a full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play yard, stationary activity center, carrier, stroller, walker, swing, or toy or play equipment, that meets the following criteria:

1. The product is designed or intended for the care of, or use by, a child; or
2. The product is designed or intended to come into contact with a child while the product is used.

A product is not a "children's product" for the purposes of this subchapter if it may be used by or for the care of a child, but is designed or intended for use by the general population or segments of the general population and not solely or primarily for use by or for the care of a child, or if it is a balloon, medication, drug, or food or is intended to be ingested.

"Unsafe children's product" means a children's product:

1. That has been recalled for any reason by a Federal agency or the product's manufacturer, distributor, or importer and the recall has not been rescinded; or
2. Is the subject of a warning issued by a Federal agency that its intended use constitutes a safety hazard and the warning has not been rescinded.

(b)-(d) (No change)

(e) The Director shall create, maintain, and update on the website of the Division (<http://www.nj.gov/oag/ca/home.htm>) a comprehensive list or lists of children's products that have been identified as unsafe children's products.

(f) The Division's list or lists of unsafe children's products shall be taken from the Consumer Product Safety Commission's list or lists, and may be a direct link to the list or lists on the Consumer Product Safety Commission's website.

(g) In addition to posting the list of unsafe children's products on its website, the Division shall make a copy of the list available to the public at no cost upon request made to the Division by telephone at 800-242-5846 (in State) or 973-504-6200 or by fax at 973-273-8035.

(h) (No change in text.)