

2A:65B-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 224
NJSA: 2A:65B-1 (Prohibits the sale of Yo-Yo Waterballs)
BILL NO: S780 (Substituted for A428)

SPONSOR(S) Madden and Others

DATE INTRODUCED: January 10, 2006

COMMITTEE: **ASSEMBLY:**
SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007
SENATE: March 20, 2006

DATE OF APPROVAL: January 3, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint enacted)

S780

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A428

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Yo-yo waterballs toy banned in New Jersey," Courier News, 1-4-08, p. ___

"Yo-yo waterballs now illegal to sell in N.J.," The Press, 1-4-08, p.A7

"Corzine OKs to ban yo-yo toys," Courier Post, 1-4-08, p.5A

RWH 5/16/08

Title 2A.
Chapter 65B.
(New)
Yo-yo Waterballs
§§1-3 -
C.2A:65B-1 to
2A:65B-3
§4 - Note to §§1-3

P.L. 2007, CHAPTER 224, *approved January 3, 2008*
Senate No., 780 (*First Reprint*)

1 AN ACT ¹**[banning]** prohibiting¹ the sale of Yo-Yo Waterballs and
2 supplementing ¹**[P.L.1960, c.39 (C.56:8-1 et seq.)]** Title 2A of
3 the New Jersey Statutes¹.

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

7
8 1. The Legislature hereby finds and declares that:

9 a. Yo-Yo Waterballs, also known as water yo-yos, are
10 inexpensive, easily accessible toys that pose a strangulation hazard
11 and threaten the health of children;

12 b. Yo-Yo Waterballs are banned in France, the United
13 Kingdom, Luxembourg, Australia, Brazil, and Canada, and
14 Germany and New Zealand have issued ¹**[warning]** warnings¹
15 concerning Yo-Yo Waterballs;

16 c. The New York State Consumer Protection Board has issued
17 two warnings calling Yo-Yo Waterballs serious hazards to children,
18 and the Massachusetts ¹**[Officer]** Office¹ of Consumer Affairs and
19 Business Regulation calls Yo-Yo Waterballs a great risk to
20 children;

21 d. “Consumer Reports” magazine rated Yo-Yo Waterballs as
22 “not acceptable” in its December, 2003 issue;

23 e. World Against Toys Causing Harm labeled Yo-Yo
24 Waterballs as one of the “Ten Worst Toys of 2003 ¹**[;”]** ”;¹

25 f. On July 2, 2003, a petition from New York’s Empire State
26 Consumer Association reported that the fluid inside ¹**[the balls]**
27 Yo-Yo Waterballs¹ is toxic and flammable;

28 g. ¹A report of the United States Public Interest Research
29 Group dated November, 2004 lists Yo-Yo Waterballs as a
30 strangulation hazard;

31 h.¹ The United States Consumer Product Safety Commission
32 has reported that Yo-Yo Waterballs pose a potential risk of
33 strangulation;

34 ¹**[h.]** i.¹ In addition, the ¹United States¹ Consumer Product
35 Safety Commission reported that, as of ¹**[December 5, 2003]**

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 SCM committee amendments adopted January 30, 2006.

1 November 15, 2005¹ , Yo-Yo Waterballs were responsible for
 2 '[262] 405' reported health incidents, '[193] 290' of which were
 3 coded as causing "suffocation or strangulation '[;]' "¹

4 '[i.] j.' Of those '[193] 290' incidents, 'at least' 52 resulted in
 5 serious breathing difficulties that rendered the child unconscious
 6 and lifeless after suffering from a lack of oxygen or broken blood
 7 vessels;

8 '[j.] k.' The 'United States' Consumer Product Safety
 9 Commission reported that 24 children reported allergic reactions to
 10 the fluid used in Yo-Yo Waterballs, which has caused some to
 11 experience trouble breathing; and

12 '[k.] l.' In spite of evidence concerning the danger to children
 13 caused by Yo-Yo Waterballs, the United States Consumer Product
 14 Safety Commission has refused repeated attempts towards banning
 15 these dangerous toys.

16

17 2. a. '[It shall be an unlawful practice for any] A' person '[to]
 18 shall not' sell 'or offer for sale' a Yo-Yo Waterball '[toy]'.

19 b. For the purposes of this act, "Yo-Yo Waterball '[toy]' "
 20 means '[the] a' toy marketed and sold under the name of "Yo-Yo
 21 Waterball" and any similar fluid yo-yo toy that contains a rubber
 22 ball filled with liquid attached to a rubber cord.

23 'c. A law enforcement officer may confiscate a Yo-Yo
 24 Waterball that is sold or offered for sale in violation of this
 25 section.'

26

27 '3. a. A person violating the provisions of section 2 of this act
 28 shall be liable, in addition to the liability for any civil damages for
 29 any injury to a plaintiff resulting from the sale or offering for sale
 30 of a Yo-Yo Waterball, for a civil penalty of:

31 (1) not more than \$10,000, for the first offense; and

32 (2) not more than \$20,000, for the second and each subsequent
 33 offense.

34 b. The penalty prescribed by this section shall be collected and
 35 enforced by summary proceedings under the "Penalty Enforcement
 36 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq).'¹

37

38 '[3.] 4.' This act shall take effect on the first day of the third
 39 month after enactment.

40

41

42

43

44 Prohibits the sale of Yo-Yo Waterballs.

SENATE, No. 780

STATE OF NEW JERSEY
212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Bans the sale of Yo-Yo Waterballs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT banning the sale of Yo-Yo Waterballs and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

6

7 1. The Legislature hereby finds and declares that:

8 a. Yo-Yo Waterballs, also known as water yo-yos, are
9 inexpensive, easily accessible toys that pose a strangulation hazard
10 and threaten the health of children;

11 b. Yo-Yo Waterballs are banned in France, the United Kingdom,
12 Luxembourg, Australia, Brazil, and Canada, and Germany and New
13 Zealand have issued warning concerning Yo-Yo Waterballs;

14 c. The New York State Consumer Protection Board has issued
15 two warnings calling Yo-Yo Waterballs serious hazards to children,
16 and the Massachusetts Officer of Consumer Affairs and Business
17 Regulation calls Yo-Yo Waterballs a great risk to children;

18 d. "Consumer Reports" magazine rated Yo-Yo Waterballs as
19 "not acceptable" in its December, 2003 issue;

20 e. World Against Toys Causing Harm labeled Yo-Yo Waterballs
21 as one of the "Ten Worst Toys of 2003;"

22 f. On July 2, 2003, a petition from New York's Empire State
23 Consumer Association reported that the fluid inside the balls is
24 toxic and flammable;

25 g. The United States Consumer Product Safety Commission has
26 reported that Yo-Yo Waterballs pose a potential risk of
27 strangulation;

28 h. In addition, the Consumer Product Safety Commission
29 reported that, as of December 5, 2003, Yo-Yo Waterballs were
30 responsible for 262 reported health incidents, 193 of which were
31 coded as causing "suffocation or strangulation;"

32 i. Of those 193 incidents, 52 resulted in serious breathing
33 difficulties that rendered the child unconscious and lifeless after
34 suffering from a lack of oxygen or broken blood vessels;

35 j. The Consumer Product Safety Commission reported that 24
36 children reported allergic reactions to the fluid used in Yo-Yo
37 Waterballs, which has caused some to experience trouble breathing;
38 and

39 k. In spite of evidence concerning the danger to children caused
40 by Yo-Yo Waterballs, the United States Consumer Product Safety
41 Commission has refused repeated attempts towards banning these
42 dangerous toys.

43

44 2. a. It shall be an unlawful practice for any person to sell a Yo-
45 Yo Waterball toy.

46 b. For the purposes of this act, "Yo-Yo Waterball toy" means the
47 toy marketed and sold under the name of "Yo-Yo Waterball" and
48 any similar fluid yo-yo toy that contains a rubber ball filled with

1 liquid attached to a rubber cord.

2

3 3. This act shall take effect on the first day of the third month
4 after enactment.

5

6

7

STATEMENT

8

9 This bill would make it an unlawful practice for any person to
10 sell a Yo-Yo Waterball toy. An unlawful practice under the
11 Consumer Fraud Act is punishable by a monetary penalty of not
12 more than \$10,000 for a first offense and not more than \$20,000 for
13 any subsequent offense. In addition, a violation can result in cease
14 and desist orders issued by the Attorney General, the assessment of
15 punitive damages and the awarding of treble damages and costs to
16 the injured party.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 780

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2006

This bill, as amended, would prohibit any person from selling or offering for sale a Yo-Yo Waterball. Any such action would constitute a civil violation, and would make the violator liable for a civil penalty of: 1) not more than \$10,000 for the first offense; and 2) not more than \$20,000 for the second and each subsequent offense. The liability for this civil penalty would be in addition to any liability for any civil damages for an injury to a plaintiff in a civil action resulting from the sale or offering for sale of a Yo-Yo Waterball.

Additionally, a law enforcement officer may confiscate any Yo-Yo Waterball that is sold or offered for sale in violation of the amended bill.

The civil penalty prescribed by the amended bill shall be collected and enforced by summary proceedings under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

The committee amendments to the bill:

- update the Legislative findings to reflect more current factual data concerning Yo-Yo Waterball hazards;
- expand the scope of the underlying bill to include both sales and "offering for sale" of Yo-Yo Waterballs as a violation;
- provide law enforcement officers with the authority to confiscate Yo-Yo Waterballs sold or offered for sale in violation of the amended bill; and
- establish specific civil penalties for violating the amended bill's provisions, and clarify that this penalty shall be collected and enforced pursuant to the "Penalty Enforcement Law of 1999."

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 428

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman DAVID R. MAYER

District 4 (Camden and Gloucester)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Connors and Bramnick

SYNOPSIS

Bans the sale of Yo-Yo Waterballs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/7/2006)

1 AN ACT banning the sale of Yo-Yo Waterballs and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

6

7 1. The Legislature hereby finds and declares that:

8 a. Yo-Yo Waterballs, also known as water yo-yos, are
9 inexpensive, easily accessible toys that pose a strangulation hazard
10 and threaten the health of children;

11 b. Yo-Yo Waterballs are banned in France, the United Kingdom,
12 Luxembourg, Australia, Brazil, and Canada, and Germany and New
13 Zealand have issued warning concerning Yo-Yo Waterballs;

14 c. The New York State Consumer Protection Board has issued
15 two warnings calling Yo-Yo Waterballs serious hazards to children,
16 and the Massachusetts Officer of Consumer Affairs and Business
17 Regulation calls Yo-Yo Waterballs a great risk to children;

18 d. "Consumer Reports" magazine rated Yo-Yo Waterballs as
19 "not acceptable" in its December, 2003 issue;

20 e. World Against Toys Causing Harm labeled Yo-Yo Waterballs
21 as one of the "Ten Worst Toys of 2003;"

22 f. On July 2, 2003, a petition from New York's Empire State
23 Consumer Association reported that the fluid inside the balls is
24 toxic and flammable;

25 g. The United States Consumer Product Safety Commission has
26 reported that Yo-Yo Waterballs pose a potential risk of
27 strangulation;

28 h. In addition, the Consumer Product Safety Commission
29 reported that, as of December 5, 2003, Yo-Yo Waterballs were
30 responsible for 262 reported health incidents, 193 of which were
31 coded as causing "suffocation or strangulation;"

32 i. Of those 193 incidents, 52 resulted in serious breathing
33 difficulties that rendered the child unconscious and lifeless after
34 suffering from a lack of oxygen or broken blood vessels;

35 j. The Consumer Product Safety Commission reported that 24
36 children reported allergic reactions to the fluid used in Yo-Yo
37 Waterballs, which has caused some to experience trouble breathing;
38 and

39 k. In spite of evidence concerning the danger to children caused
40 by Yo-Yo Waterballs, the United States Consumer Product Safety
41 Commission has refused repeated attempts towards banning these
42 dangerous toys.

43

44 2. a. It shall be an unlawful practice for any person to sell a Yo-
45 Yo Waterball toy.

46 b. For the purposes of this act, "Yo-Yo Waterball toy" means the
47 toy marketed and sold under the name of "Yo-Yo Waterball" and
48 any similar fluid yo-yo toy that contains a rubber ball filled with

1 liquid attached to a rubber cord.

2

3 3. This act shall take effect on the first day of the third month
4 after enactment.

5

6

7

STATEMENT

8

9 This bill makes it an unlawful practice for any person to sell a
10 Yo-Yo Waterball toy. For the purposes of this bill, any toy
11 marketed and sold under the name of "Yo-Yo Waterball" or any
12 similar fluid yo-yo toy that contains a rubber ball filled with liquid
13 attached to a rubber cord is considered a Yo-Yo Waterball toy.

14 An unlawful practice under the Consumer Fraud Act is
15 punishable by a monetary penalty of not more than \$10,000 for a
16 first offense and not more than \$20,000 for any subsequent offense.
17 In addition, a violation can result in cease and desist orders issued
18 by the Attorney General, the assessment of punitive damages and
19 the awarding of treble damages and costs to the injured party.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 428

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2006

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 428.

As amended, Assembly Bill No. 428 would prohibit any person from selling or offering for sale a Yo-Yo Waterball. Any such action would constitute a civil violation, and would make the violator liable for a civil penalty of: 1) not more than \$10,000 for the first offense; and 2) not more than \$20,000 for the second and each subsequent offense. The liability for this civil penalty would be in addition to any liability for any civil damages for an injury to a plaintiff in a civil action resulting from the sale or offering for sale of a Yo-Yo Waterball.

Additionally, a law enforcement officer may confiscate any Yo-Yo Waterball that is sold or offered for sale in violation of the amended bill.

The civil penalty prescribed by the amended bill shall be collected and enforced by summary proceedings under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

This bill was pre-filed for introduction in the 2006 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to:

- update the Legislative findings to reflect more current factual data concerning Yo-Yo Waterball hazards;
- expand the scope of the underlying bill to include both sales and "offering for sale" of Yo-Yo Waterballs as a violation;
- provide law enforcement officers with the authority to confiscate Yo-Yo Waterballs sold or offered for sale in violation of the amended bill; and
- establish specific civil penalties for violating the amended bill's provisions, and clarify that this penalty shall be collected and enforced pursuant to the "Penalty Enforcement Law of 1999."