

52:17B-124.2

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 52:17B-124.2

(Toy related
injuries--reporting)

LAWS OF: 1991

CHAPTER: 250

Bill No: A3231

Sponsor(s): Scerni and Kronick

Date Introduced: March 15, 1991

Committee: Assembly: Consumer Affairs

Senate: Law, Public Safety

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 14, 1990

Senate: June 27, 1991

Date of Approval: August 8, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[SECOND REPRINT]
ASSEMBLY, No. 3231

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1990

By Assemblymen SCERNI and KRONICK

1 AN ACT concerning child safety and supplementing chapter 8 of
2 Title 56 of the Revised Statutes.

3

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

6 1. Whenever any physician has before him a ¹[child] person¹
7 whose injury or death he determines to be, or reasonably suspects
8 may be, toy related he shall, in accordance with the rules and
9 regulations promulgated pursuant to section 2 of this act, report
10 his findings to the Director of the Division of Consumer Affairs
11 in the Department of Law and Public Safety.

12 ¹The director of any hospital, health-care facility, health
13 maintenance organization, public health center, medical center,
14 or emergency medical treatment facility wherein any physician
15 has made such a determination, or has such a reasonable
16 suspicion, as to whether an injury or death is toy related, shall, in
17 accordance with the rules and regulations promulgated pursuant
18 to section 2 of this act, report that physician's findings to the
19 director.¹

20 The director shall review, organize and keep a record of the
21 information set forth in the reports of toy related injuries and
22 deaths submitted by physicians pursuant to this section.

23 The director, on a regular basis, shall make the information
24 recorded pursuant to this section available to the United States
25 Consumer Product Safety Commission for inclusion in its Injury
26 or Potential Injury Incident Data Base. ¹The information so
27 recorded shall also be made available to the public for a fee
28 determined to be reasonable by the director.¹

29 If, on the basis of his review, the director shall determine that
30 a specific toy or item ¹[intended for children]¹ poses an
31 immediate danger or potential threat to the safety of the
32 ¹[children] citizens¹ of this State, he shall immediately issue a
33 public notice, warning ¹[parents] the public¹ ²[, retail sellers and
34 distributors]² of his findings ²[and recommendations]² concerning
35 that toy or item.

36 2. The Director of the Division of Consumer Affairs, pursuant
37 to the provisions of the "Administrative Procedure Act," P.L.
38 1968, c.410 (C. 52:14B-1 et seq.), shall promulgate rules and
39 regulations to effectuate the purposes of this act.

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:

¹ Assembly ACO committee amendments adopted March 19, 1990.

² Senate SLP committee amendments adopted October 15, 1990.

1 3. This act shall take effect immediately.

2

3

4 CONSUMER AFFAIRS

5

6 Requires reporting of toy related injuries and deaths.

ASSEMBLY, No. 3231
STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1990

By Assemblymen SCERNI and KRONICK

1 AN ACT concerning child safety and supplementing chapter 8 of
2 Title 56 of the Revised Statutes.

3

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

6 1. Whenever any physician has before him a child whose injury
7 or death he determines to be, or reasonably suspects may be, toy
8 related he shall, in accordance with the rules and regulations
9 promulgated pursuant to section 2 of this act, report his findings
10 to the Director of the Division of Consumer Affairs in the
11 Department of Law and Public Safety.

12 The director shall review, organize and keep a record of the
13 information set forth in the reports of toy related injuries and
14 deaths submitted by physicians pursuant to this section.

15 The director, on a regular basis, shall make the information
16 recorded pursuant to this section available to the United States
17 Consumer Product Safety Commission for inclusion in its Injury
18 or Potential Injury Incident Data Base.

19 If, on the basis of his review, the director shall determine that
20 a specific toy or item intended for children poses an immediate
21 danger or potential threat to the safety of the children of this
22 State, he shall immediately issue a public notice, warning
23 parents, retail sellers and distributors of his findings and
24 recommendations concerning that toy or item.

25 2. The Director of the Division of Consumer Affairs, pursuant
26 to the provisions of the "Administrative Procedure Act," P.L.
27 1968, c.410 (C. 52:14B-1 et seq.), shall promulgate rules and
28 regulations to effectuate the purposes of this act.

29 3. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill would require physicians to report any toy related
35 injuries or deaths to the Director of the Division of Consumer
36 Affairs.

37 The information set forth in those reports would be reviewed,
38 organized and recorded by the director and, on a regular basis,
39 made available to the U.S. Consumer Protect Safety Commission
40 for inclusion in its Injury or Potential Injury Incident File Data
41 Base.

1 The bill also authorizes the director to issue an immediate
2 public notice if, on the basis of his review of these reports from
3 physicians, he determines that some toy or other item poses
4 either an immediate danger or a potential threat to the safety of
5 the children of this State.

6

7

8 CONSUMER AFFAIRS

9

10 Requires reporting of toy related injuries and deaths.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3231

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Consumer Affairs Committee favorably reports Assembly Bill No. 3231 with committee amendments.

Assembly Bill No. 3231, as amended by the committee, supplements chapter 8 of Title 56 of the Revised Statutes to require physicians to report toy-related injuries and deaths to the Director of the Division of Consumer Affairs.

Under the provisions of the bill, whenever a physician determines, or reasonably suspects, that an injury or death is toy-related, the physician is to report his findings to the director.

In cases where the physician is working in a hospital, health-care facility, health maintenance organization, public health center, medical center, or emergency medical treatment facility when he makes his determination, or reasonably suspects, that the injury or death is toy related, the director of that facility or center is to report that physician's findings to the Director of the Division of Consumer Affairs.

The director is to review, organize and keep a record of all such reports and, on a regular basis, make the information available to the United States Consumer Product Safety Commission for inclusion in its Injury or Potential Injury Incident Data Base.

The information so recorded by the director is to be available to the public for a reasonable fee.

The bill also authorizes the director to issue a public notice to alert the public, retail sellers and distributors whenever, based upon his report of physicians' reports, he determines that a toy or other item poses an immediate danger or potential threat to the safety of the citizens of this State.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3231

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 3231 (1R) with amendments.

As amended, this bill supplements chapter 8 of Title 56 of the Revised Statutes to require physicians to report toy-related injuries and deaths to the Director of the Division of Consumer Affairs. If a physician determines, or reasonably suspects, that an injury or death is toy-related, the physician is to report his findings to the director.

In cases where the physician is working in a hospital, health-care facility, health maintenance organization, public health center, medical center, or emergency medical treatment facility when he makes his determination, or reasonably suspects, that the injury or death is toy related, the director of that facility or center is to report that physician's findings to the director.

The director is to review, organize and keep a record of all such reports and, on a regular basis, make the information available to the United States Consumer Product Safety Commission for inclusion in its Injury or Potential Injury Incident Data Base.

The information so recorded by the director is to be available to the public for a reasonable fee.

The bill also authorizes the director to issue a notice to alert the public whenever he determines from the physicians' reports that a toy or other item poses an immediate danger or potential threat to the safety of the citizens of this State.

The committee amended the bill to remove the reference to the director's recommendations concerning a toy or item that poses an immediate danger or potential safety threat.

As released by the committee, this bill is identical to Senate Bill No. 2889 of 1990 as amended by this committee on October 15, 1990.

DATE: AUG 9 1991

Asbury Park Press

Philadelphia Inquirer

Star-Ledger

Courier-Post

The Press

Trenton Times

Florio signs toy-safety bill at Galloway day-care center

By BRENDAN SCHURR
Staff Writer

GALLOWAY TOWNSHIP — Gov. Jim Florio signed a toy-safety bill into law Thursday before wide-eyed toddlers who seemed a little more involved in the trucks and puzzles on their tables than the presence of state officials.

The governor signed the bill at the Country Kids Day Care Center in Smithville.

The Toy Injury Reporting Bill requires all doctors and emergency rooms to report injuries

and deaths caused by toys to the state Division of Consumer Affairs. The division will report the data to the U.S. Consumer Product Safety Commission. The bill was introduced by Assemblymen Alfred R. Scerni Jr., D-Atlantic, and David C. Kronick,

D-Hudson.

"I can't imagine anything worse than giving a gift to a child and learning that that gift hurt, or worse, killed the child," Florio said.

Three New Jersey hospitals voluntarily began reporting toy-

related injuries and deaths on Jan. 1. South Jersey Medical Center in Bridgeton was the only hospital in southern New Jersey to do so. By May, the three hospitals reported 61 toy-related injuries.

The bill is the first part of a

legislative toy-safety package to be signed into law. Parts of the package pending in the Legislature would require warning labels on toys that contain small parts and would direct stores to post signs informing customers of recent warnings.

DATE:

- Asbury Park Press
 Courier-Post
 Home News

- Philadelphia Inquirer
 The Press
 The Record

- Star-Ledger
 Trenton Times
 The Trentonian

Toy safety law among five enacted by Florio

By DONNA LEUSNER

Gov. Jim Florio yesterday signed five bills, including one aimed at helping warn the public about toys that cause injury or death.

Under the bill Florio signed in a day care center in Smithville, doctors and hospitals have to report toy injuries and deaths to the state Division of Consumer Affairs.

The agency will have the power to immediately issue a public notice warning consumers that a specific toy poses a danger or potential threat to child safety.

Nationally, there were 33 toy-related deaths from January 1989 to September 1990. Toy-related injuries increased from 113,000 in 1986 to 148,000 in 1989. Although the national Consumer Product Safety Commission has tracked toy-related injuries and deaths for years, no New Jersey hospitals compiled that data until January.

Through May, the three hospitals which voluntarily reported data to the CPSC—Morristown Memorial, Central State Medical Center in Freehold and South Jersey Medical Center in Bridgeton—recorded 61 toy-related injuries.

"Because few New Jersey hospitals keep such records, there is no way of knowing how many deaths and injuries unsafe toys cause in our state," said Assemblyman Fred Scerni (D-Atlantic), a sponsor of the bill (A-3231).

"If doctors report this information to the state, we will be able to identify dangerous toys more quickly and help the CPSC in its efforts to keep unsafe toys off the shelves," Scerni said.

Assemblyman David Kronick (D-Hudson), another sponsor of the bill and chairman of the Assembly

Doctors and hospitals must report injuries

Consumer Affairs Committee, said the new law will provide a larger information base for tracking toy-related injuries and deaths.

The New Jersey Public Interest Research Group urged passage of two other bills in the toy package that are awaiting legislative action. One (A-3183), supported by Florio and pending in a Senate committee since March, would require any toy or article with small parts, intended for use by children under seven, to display a warning label that the toy poses a choke hazard.

Another bill (A-3193), approved by both houses but pending concurrence with Senate amendments, would require toy retailers to post notices of recalled toys for 120 days.

The other bills Florio signed yesterday include:

- A-2079, which lists the documents that constitute proof of residency for potential voters challenged on Election Day. But the legislation, sponsored by Assemblyman Joseph Charles Jr. (D-Hudson), does not take effect for 90 days and thus will not help contested voters in the Nov. 5 general election.

Those documents are a valid state driver's license, a sample ballot listing the voter's name and address, an official federal, state, county or municipal document listing the voter's name and address, a dated utility or phone bill or a tax or rent receipt and a piece of mail postmarked on or after the 60th day before the day of the election in which the voter is challenged.

The new law also requires forms to be available at polling places for voters to register complaints about the election with the county superintendent of elections or the county board of elections.

- A-4873, which would extend the licensing period for stevedores, who load and unload ships in port, from two to three years. The sponsors are assemblymen James Zangari (D-Essex) and Anthony Improvuto (D-Hudson).

- A-2729, which would put a flexible ceiling on corporate filing fees charged by the Secretary of State. By law, corporations pay a filing fee to log a change of address for registered agents. The fee is \$10 for each corporation named in a certificate of change of address.

Under the bill sponsored by Assemblyman Robert J. Martin (R-Morris), if the certificate affects a change in the address of the registered office of up to 500 corporations, the filing fee will remain \$10 per corporation. If the certificate affects more than 500 firms, the fee will be a flat \$5,000. The Secretary of State would be able to assess an additional charge if the \$5,000 fee doesn't cover administrative costs, but the extra charge could not exceed the costs.

- S-3163, sponsored by Sen. Raymond Lesniak (D-Union), which would amend the Quality Education Act of 1990 to allow the state to pay the employers' share of the pension and Social Security costs of members of the Teachers Pension Annuity Fund who are working at colleges and universities.

The state has always paid these costs, but the QEA shifted the responsibility to local school districts. The QEA was later amended to return the responsibility for pension and Social Security costs to the state.

OLS/Office of Public Information
Legislative Services Library