

[First Reprint]

## **ASSEMBLY, No. 1096**

# **STATE OF NEW JERSEY**

## **220th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

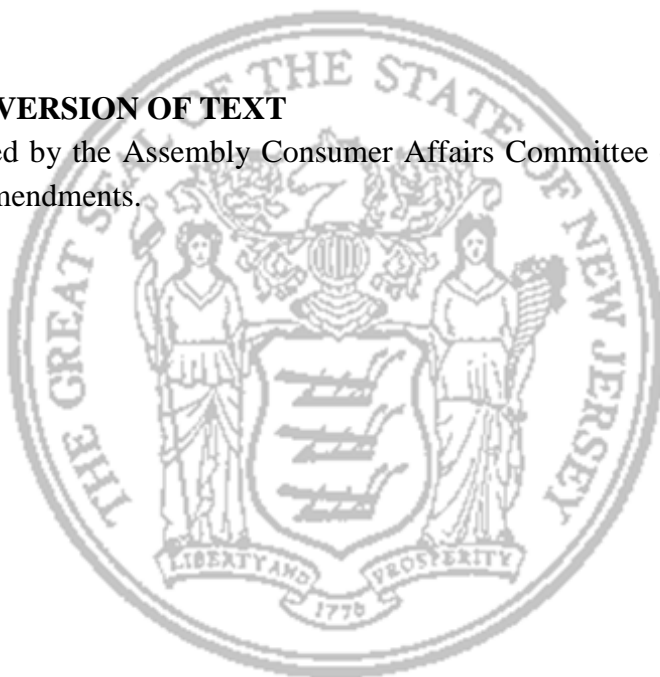
**Assemblyman Karabinchak, Assemblywomen Reynolds-Jackson and Haider**

**SYNOPSIS**

Requires new flooring for schools and child care centers to be certified mercury free.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Consumer Affairs Committee on February 3, 2022, with amendments.



**(Sponsorship Updated As Of: 11/21/2022)**

1 AN ACT concerning schools and child care centers and  
 2 supplementing Title 52 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. a. <sup>1</sup>**[No]** A<sup>1</sup> construction permit shall <sup>1</sup>not<sup>1</sup> be issued  
 8 <sup>1</sup>pursuant to section 12 of P.L.1975, c.217 (C.52:27D-130)<sup>1</sup> for the  
 9 construction, reconstruction, alteration, conversion, repair, or  
 10 upgrade <sup>1</sup>**[to]** of<sup>1</sup> flooring in **[a school or child care center]** any  
 11 building or structure to be used or currently in use as a school, as  
 12 defined in this section, or child care center, licensed pursuant to the  
 13 provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) <sup>1</sup> unless the  
 14 applicant <sup>1</sup>;

15 (1)<sup>1</sup> presents a certification issued by the manufacturer of the  
 16 flooring materials to be used <sup>1</sup>**[in the construction, reconstruction,**  
 17 **alteration, conversion, repair, or upgrade of the school or child care**  
 18 **center]** in the project<sup>1</sup> that the materials are free of mercury and  
 19 compounds containing mercury <sup>1</sup>; and

20 (2) in the case of a project that includes a building or structure  
 21 containing existing flooring:

22 (a) presents a certification issued in accordance with subsection  
 23 b. of section 2 of P.L. , c. (C. ) (pending before the  
 24 Legislature as this bill) that the existing flooring material is free of  
 25 mercury and compounds containing mercury; or

26 (b) certifies that the flooring materials shall be removed prior to  
 27 installation of new flooring material, in accordance with subsection  
 28 a. of section 2 of P.L. , c. (C. ) (pending before the  
 29 Legislature as this bill)<sup>1</sup>.

30 <sup>1</sup>b. Notwithstanding the provisions of subsection a. of this  
 31 subsection, a construction permit may be issued for the  
 32 construction, reconstruction, alteration, conversion, repair, or  
 33 upgrade of flooring in any building or structure to be used as a  
 34 school, as defined in this section, or child care center licensed  
 35 pursuant to the provisions of P.L.1983, c.492, if the construction  
 36 permit is necessary to perform work in the building or structure in  
 37 order to comply with the rules and regulations adopted pursuant to  
 38 subsection a. of section 2 of P.L. , c. (C. ) (pending before the  
 39 Legislature as this bill) and obtain the certification issued by the  
 40 Department of Health pursuant to subsection c. of section 2 of  
 41 P.L. , c. (C. ) (pending before the Legislature as this bill).

42 A construction permit issued pursuant to this subsection shall be  
 43 limited to the construction or alterations necessary to comply with  
 44 the rules and regulations adopted pursuant to subsection a. of

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:

<sup>1</sup>Assembly ACO committee amendments adopted February 3, 2022.

1 section 2 of P.L. , c. (C. ) (pending before the Legislature  
2 as this bill.<sup>1</sup>

3 <sup>1</sup>**[b.] c.**<sup>1</sup> A manufacturer of flooring used in the construction,  
4 reconstruction, alteration, conversion, repair, or upgrade of a school  
5 or child care center that issues a certification falsely stating that the  
6 flooring is free of mercury and compounds containing mercury,  
7 shall be liable to a civil penalty of \$10,000 for a first offense and  
8 \$25,000 for a second or subsequent offense, which penalty may be  
9 collected and enforced by the local enforcing agency by summary  
10 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
11 P.L.1999, c.274 (C.2A:58-10 et seq.).

12 <sup>1</sup>**[c.] d.**<sup>1</sup> As used in this section:

13 "Child care center" means a child care center licensed pursuant  
14 to the provisions of the "Child Care Center Licensing Act,"  
15 P.L.1983, c.492 (C.30:5B-1 et seq.).

16 "School" means a public or nonpublic school containing any of  
17 the grades kindergarten through 12.

18

19 <sup>1</sup>2. a. Within six months after the effective date of P.L. , c.  
20 (pending before the Legislature as this bill) the Commissioner of  
21 Health shall adopt rules and regulations pursuant to the  
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
23 seq.) that establish: (1) procedures for the evaluation and  
24 assessment of flooring material installed in buildings or structures  
25 that are to be used for or currently are in use as a school, as defined  
26 subsection d. of section 1 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), or child care center, licensed pursuant to  
28 the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.), for the  
29 presence of mercury and mercury containing compounds; and (2)  
30 standards for the removal and disposal of flooring material that  
31 contains mercury and mercury containing compounds.

32 b. The commissioner shall establish an application process for  
33 the certification issued pursuant to subsection c. of this section.  
34 Every application for a certification shall be accompanied by a fee,  
35 established in accordance with a fee schedule adopted by the  
36 department, by rule or regulation, reflecting the costs of reviewing  
37 and processing the application. Fees collected pursuant to this  
38 subsection shall be deposited into a separate account, and shall be  
39 dedicated for use by the department solely for the purposes of  
40 administering and enforcing the provisions of this section and any  
41 rules or regulations adopted pursuant thereto.

42 c. Upon a demonstration to the department by the applicant  
43 that the procedures established pursuant to subsection a. of this  
44 section have been followed and that the installed flooring material  
45 does not contain mercury or mercury containing compounds, the  
46 department shall issue a certification that the applicant is not

1 required to remove the flooring material prior to the issuance of a  
2 construction permit.<sup>1</sup>

3

4 <sup>1</sup>~~【2.】~~ 3.<sup>1</sup> This act shall take effect <sup>1</sup>~~【90 days after】~~ on the first  
5 day of the third month next following<sup>1</sup> the date of enactment <sup>1</sup>,  
6 except that the Commissioner of Health may take any anticipatory  
7 administrative action in advance as shall be necessary for the  
8 implementation of this act<sup>1</sup>.