

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5366

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2023

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 5366.

As amended and reported by the committee, this bill prohibits the sale of water beads. Water beads are small, round beads made of a water-absorbing polymer substance that, when placed in water, increase in size.

The amended bill prohibits a person from selling, offering for sale, or distributing water beads, or any product containing water beads. A person who violates the provisions of the amended bill is subject to a civil penalty of up to \$5,000 for each offense, which may be collected and enforced by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the "Penalty Enforcement Law of 1999." Each day during which a violation occurs would constitute a separate offense.

Water beads are fabricated from a water-absorbing polymer capable of absorbing and retaining large amounts of water. When water beads are placed in water, they can expand to many times their original size. Water beads are marketed to children as toys and adults for use as decorative items and to help retain water in plants. When ingested, water beads expand inside the body and may cause life-threatening intestinal blockage or death.

COMMITTEE AMENDMENTS:

The committee amended the bill to make a violation of the bill's provisions a civil penalty. Previously, a violation would have been considered an unlawful practice under the consumer fraud act.