

New Jersey Statutes Annotated [Currentness](#)

Title 24. Food and Drugs

▢ [Subtitle 1. Food and Drugs \(Refs & Annos\)](#)

→ [Chapter 14A. Paint Containing Lead \(Refs & Annos\)](#)

→ **24:14A-1. Use on toys, furniture or accessible surfaces of dwelling; prohibition**

No person shall apply lead paint to toys, furniture or the exposed interior surfaces of any dwelling as defined in this act, or to any exterior surface that is readily accessible to children.

#### **24:14A-2. Toys or furniture; sale or transfer for profit or knowingly transfer or exchange prohibited**

No person shall sell or transfer for profit or offer to sell or transfer for profit toys or furniture to which lead paint has been applied, and no person shall knowingly transfer or exchange or offer to transfer or exchange toys or furniture to which lead paint has been applied and which will be readily accessible to children.

#### **24:14A-3. Violations; disorderly persons**

Any person violating the provisions of this act shall be a disorderly person.

#### **24:14A-4. Definitions**

For purposes of this act:

- a. "Approved" means satisfactory compliance as determined and recorded by the Department of Health.
- b. "Department" means the State Department of Health.
- c. "Lead paint" means any pigmented, liquid substance applied to surfaces by brush, roller, spray or other means in which the total nonvolatile ingredients contain more than 1% of lead, by weight, calculated as metallic lead.
- d. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence, or sleeping quarters of one or more persons and includes any dwelling unit, rooming house or rooming unit, and any facility occupied or used by children.

e. “Board” means local board of health, regional health commission or other locally constituted health agency having primary jurisdiction to enforce this act.

f. “Interior surfaces” and “exterior surfaces” shall include but shall not be limited to window sills, window frames, doors, door frames, walls, ceilings, stair rails and spindles or other appurtenances, including equipment on the premises of dwellings as defined herein.

#### **24:14A-5. Lead paint upon interior of building or exterior surface accessible to children; public nuisance**

The presence of lead paint upon the interior of any dwelling or upon any exterior surface that is readily accessible to children causing a hazard to the occupants or anyone coming in contact with such surfaces is hereby declared to be a public nuisance.

#### **24:14A-6. Duties of boards; investigation of violations; enforcement of act; reports**

The board in each municipality or other area of jurisdiction, shall have the primary responsibility for investigation of violations under P.L.1971, c. 366 (C.24:14A-1 et seq.) and the enforcement of P.L.1971, c. 366 (C.24:14A-1 et seq.), except as provided otherwise in accordance with P.L.2003, c. 311 (C.52:27D-437.1 et al.) and shall make reports of all such violations and enforcement procedures to the State Department of Health and Senior Services and the Department of Community Affairs when relocation assistance is required pursuant to P.L.2003, c. 311.

#### **24:14A-7. Lead paint upon interior of dwelling or exterior surface accessible to children; order of removal and disposition**

When the board of health having primary jurisdiction under P.L.1971, c. 366 (C.24:14A-1 et seq.) finds that there is a lead-based paint hazard on the interior walls, ceilings, doors, floors, baseboards or window sills and frames of any dwelling, or any exterior surface that is readily accessible to children it may order the remediation and appropriate disposition of such lead-based paint hazard by using abatement or lead hazard control methods approved in accordance with the provisions of P.L.2003, c. 311 (C.52: 27D-437.1 et al.), under such safety conditions as it may specify, and as shall be approved by the department.

#### **24:14A-8. Occupant of dwelling with lead poisoning or high risk of lead intoxication; notice to owner of public nuisance; order to abate**

When the board of health having primary jurisdiction hereunder finds that there is a lead-based paint hazard on the interior walls, ceilings, doors, floors, baseboards or window sills and frames of any dwelling or any exterior surface that is readily accessible to children and further finds a person occupying or using such dwelling

is an unequivocal case of lead poisoning or at high risk of lead intoxication as defined by department regulation it shall at once notify the owner that he is maintaining a public nuisance and order him to remediate the nuisance by using abatement or lead hazard control methods approved in accordance with P.L.2003, c. 311 (C.52: 27D-437.1 et al.) and in accordance with the following:

- a. In the event of the identification of a lead-poisoned child, the interior of the residence of the child shall be evaluated for lead-based paint hazard.
- b. If no lead-based paint hazard is found in the interior of the residence, then the exterior of the residence shall be evaluated.
- c. If no lead-based paint hazard is discovered in either the interior or exterior of the residence, then the soil on the property on which the residence and other structures, if any, are located shall be examined for lead hazards.

A duplicate of the notice shall be left with one or more of the tenants or occupants of the dwelling. If the owner resides out of the State or cannot be so notified speedily, a notice left at the house or premises shall suffice.

#### **24:14A-8.1. Eviction of occupants to avoid corrective maintenance**

No person found to be in violation of the law shall evict, or cause to be evicted, occupants for the purpose of avoiding corrective maintenance ordered by the local board of health to eliminate hazardous lead exposure.

#### **24:14A-9. Failure of owner to obey notice or order to abate; removal of nuisance; payment of expenses by owner; action to collect; lien**

If the owner so notified shall not comply with the notice or order of the board of health having primary jurisdiction hereunder within the time specified, the board shall proceed to remove the nuisance and make the necessary repairs, bill the owner therefor, and, if necessary, to recover the expense in a civil action against the owner. The unpaid expense of the board shall become a lien on the real property immediately upon removal of the nuisance and completion of necessary repairs.

#### **24:14A-10. Nonenforcement by board; enforcement by department**

If the department finds that any board having primary jurisdiction under this act is not enforcing the provisions of this act or any rules and regulations promulgated thereunder, the department may cause a disorderly person's complaint to be made against persons violating the provisions of this act, or may bring action requiring such board to show cause why it is not enforcing this act.

**24:14A-11. Rules and regulations by department**

The commissioner of the department shall have the power to prescribe rules and regulations establishing criteria for the identification of areas and conditions involving high risk of lead poisoning or intoxication, specifying methods of detection of lead in dwellings, and standards for the repair of premises containing lead paint, and other rules and regulations necessary to effectuate the purposes of this act.

**24:14A-12. Repealed by L.1985, c. 84, § 10, eff. March 25, 1985**

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