

ASSEMBLY, No. 113

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Gusciora, McKeon, Assemblywomen Cruz-Perez and Oliver

SYNOPSIS

Requires all personal audio players distributed in New Jersey to contain a warning about volume and hearing loss.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning personal audio players and supplementing Title
2 56 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. As used in this act:

8 "Manufacturer" means a person who manufactures or imports a
9 personal audio player for distribution in this State.

10 "Personal audio player" means a personal, electronic device that
11 allows the user to listen to audio while mobile.

12

13 2. No manufacturer shall distribute a personal audio player in
14 this State unless the manufacturer affixes a warning label on the
15 personal audio player that reads as follows: "WARNING: This
16 product may cause hearing damage. A volume level of 115 decibels
17 may cause permanent hearing damage after 15 minutes of
18 exposure."

19

20 3. Any person who violates the provisions of this act shall be
21 subject to a civil penalty of not more than \$5,000 for each offense.
22 Any civil penalty imposed pursuant to this act may be collected by
23 the Attorney General with costs in a summary proceeding pursuant
24 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
25 (C.2A:58-10 et seq.).

26

27 4. This act shall take effect on the 180th day following
28 enactment.

29

30

31

STATEMENT

32

33 This bill is in response to the harmful volume levels at which
34 users of portable audio players (e.g., MP3 players or iPods) are able
35 to listen. Many of these portable audio players can be listened to at
36 volumes of up to 130 decibels. The Occupational Safety and Health
37 Administration in the United States Department of Labor has stated
38 that significant hearing loss can occur in 15 minutes at a volume of
39 115 decibels.

40 This bill prohibits a manufacturer from distributing a personal
41 audio player in this State unless the manufacturer affixes a warning
42 label on the personal audio player that reads as follows:
43 "WARNING: This product may cause hearing damage. A volume
44 level of 115 decibels may cause permanent hearing damage after 15
45 minutes of exposure."

A113 VAINIERI HUTTLE, JOHNSON

3

1 The bill defines a “personal audio player” as a personal,
2 electronic device that allows the user to listen to audio while
3 mobile.

4 The bill further provides that any person who violates the
5 provisions of the bill is subject to a civil penalty of not more than
6 \$5,000 for each offense.