

[First Reprint]

SENATE, No. 1647

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Senators Weinberg, Vitale, Turner, Assemblymen Armato, Mazzeo, Assemblywomen Jones, Reynolds-Jackson, Pinkin, Jimenez, Jasey and Assemblyman McKeon

SYNOPSIS

Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on September 10, 2019, with amendments.

(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning sales of tobacco and vapor products and
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. a. No person shall, either directly or indirectly by an agent
8 or employee, when engaging in the sale or offer for sale of any
9 tobacco or vapor product to a consumer at retail:

10 (1) offer, provide, or accept coupons, including online coupons;

11 (2) offer or provide price reduction promotions, including online
12 promotional discount codes; or

13 (3) offer or provide price rebates.

14 b. A person who violates the provisions of subsection a. of this
15 section shall be liable to a civil penalty of not less than \$250 for the
16 first violation, not less than \$500 for the second violation, and
17 \$1,000 for the third and each subsequent violation. The civil
18 penalty shall be collected pursuant to the "Penalty Enforcement
19 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
20 proceeding before the municipal court having jurisdiction. An
21 official authorized by statute or ordinance to enforce the State or
22 local health codes or a law enforcement officer having enforcement
23 authority in that municipality may issue a summons for a violation
24 of the provisions of subsection a. of this section, and may serve and
25 execute all process with respect to the enforcement of this section
26 consistent with the Rules of Court. A penalty recovered under the
27 provisions of this subsection shall be recovered by and in the name
28 of the State by the local health agency. The penalty shall be paid
29 into the treasury of the municipality in which the violation occurred
30 for the general uses of the municipality.

31 c. In addition to the provisions of subsection b. of this section,
32 upon the recommendation of the municipality, following a hearing
33 by the municipality, the Division of Taxation in the Department of
34 the Treasury may suspend or, after a second or subsequent violation
35 of the provisions of subsection a. of this section, revoke a license
36 issued under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail
37 dealer. The licensee shall be subject to administrative charges,
38 based on a schedule issued by the Director of the Division of
39 Taxation, which may provide for a monetary penalty in lieu of a
40 suspension.

41 d. A penalty imposed pursuant to this section shall be in
42 addition to any other penalty that may be imposed in connection
43 with the offense.

44 e. Nothing in this section shall apply to ¹**[online]**¹ coupons

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:

¹Senate SHH committee amendments adopted September 10, 2019.

1 ¹[or promotional discount codes] , price reductions, or price
2 rebates¹ for smoking cessation products, including gum, lozenges,
3 or other aids to smoking cessation approved by the federal Food and
4 Drug Administration ¹, and nothing in this section shall be
5 construed to prohibit a medical cannabis dispensary or clinical
6 registrant issued a permit pursuant to P.L.2009, c.307 (C.24:6I-1 et
7 al.) from using coupons, price reductions, or price rebates in
8 connection with medical cannabis, paraphernalia, or other related
9 products dispensed to or on behalf of a registered qualifying patient.

10 Nothing in this section shall be construed to impose liability on
11 news media that accept or public advertising that may include
12 coupons, price reductions, or rebates that violate the provisions of
13 this section¹ .

14 f. As used in this section:

15 “Tobacco product” means cigarettes made of tobacco or of any
16 other matter or substance which can be smoked, or any cigarette
17 paper or tobacco in any form, including smokeless tobacco.

18 "Vapor product" means any non-combustible product containing
19 nicotine that employs a heating element, power source, electronic
20 circuit, or other electronic, chemical, or mechanical means,
21 regardless of shape or size, to produce vapor from nicotine in a
22 solution or any form. "Vapor product" includes, but is not limited
23 to, any electronic cigarette, electronic cigar, electronic cigarillo,
24 electronic pipe, or similar product or device, and any vapor
25 cartridge or other container of nicotine in a solution or other form
26 that is intended to be used with, or in, any such device. "Vapor
27 product" does not include any product that is approved, and that is
28 regulated as a prescription drug delivery service, by the United
29 States Food and Drug Administration under Chapter V of the Food,
30 Drug, and Cosmetic Act.

31

32 2. This act shall take effect on the first day of the second month
33 next following the date of enactment.