

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3259

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 5, 2026

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3259.

As amended and reported by the committee, Assembly Bill No. 3259 requires retail food establishments to provide disclosures for certain caffeinated beverages. Under the amended bill, a retail food establishment organized under the laws of this State is required to clearly and conspicuously display a disclosure for a beverage offered for sale, whether as a standard or temporary menu item, that contains at least 200 milligrams or more of total caffeine per serving. The disclosure for these items is to include the statement “High caffeine,” or another similar warning, icon, or symbol approved by the Commissioner of Health, directly next to the name of the beverage item. The statement is also required to be clearly associated with it on all menus, including drive-through menu boards. The disclosure requirement specifically applies to beverages where caffeine has been intentionally added or chemically synthesized to increase the total caffeine content beyond the beverage’s naturally occurring caffeine levels and does not apply to beverages containing naturally occurring caffeine, including coffee, tea, and cocoa.

Under the amended bill, if a person files a complaint or there is reason to believe a violation has occurred, the Department of Health or local health board is required to notify the proprietor of the retail food establishment in writing and order them to take necessary action.

Furthermore, a proprietor of a retail food establishment who violates the provisions of this bill is subject to a penalty of not less than \$200 or more than \$500 for a first offense and not less than \$500 or more than \$1,000 for a second or subsequent offense. The municipal court has jurisdiction over proceedings to enforce and collect any penalty imposed due to a violation of the provisions of this bill, provided that the violation occurred within the territorial jurisdiction of the court. The process is to be initiated by the Commissioner of Health or the local board of health as the plaintiff.

Additionally, under the amended bill, when the Commissioner of Health is the plaintiff, any recovered penalties will be paid into the State Treasury. However, if the local board of health is the plaintiff,

the recovered penalty will be directed to the treasury of the municipality where the violation occurred.

The provisions of this bill are not to be construed to create or enhance any claim, right of action, or civil liability that did not previously exist under State law or limit any claim, right of action, or civil liability that otherwise exists under State law. The amended bill provides that any local ordinance or regulation that conflicts with its provisions is void and has no legal effect.

This bill was prefiled for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) indicate that the disclosure requirement is not to apply to beverages containing naturally occurring caffeine such as coffee, tea, and cocoa;
- 2) raise the disclosure threshold for certain beverages to 200 milligrams or more of total caffeine per serving. As introduced, the threshold had been set at 80 milligrams; and
- 3) make technical changes.