

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1405

STATE OF NEW JERSEY

222nd LEGISLATURE

DATED: AUGUST 17, 2026

SUMMARY

Synopsis: Establishes professional licensure and certification for tobacco treatment counseling.

Type of Impact: Annual State revenue and expenditure increases.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increases	Indeterminate

- The Office of Legislative Services (OLS) finds that the bill’s creation of two new regulated professions – licensed clinical tobacco treatment specialist and certified tobacco treatment specialist – will increase annual State revenues by an indeterminate amount. These revenues will derive from application, license, and certification fees, any fees for license or certification renewal, and from penalties collected from individuals violating the provisions of this bill.
- The OLS anticipates the new license and certification for tobacco treatment counseling to result in additional applications for licensure, certification, and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs by an indeterminate amount.

BILL DESCRIPTION

The bill establishes two new regulated professions: licensed clinical tobacco treatment specialists and certified tobacco treatment specialists. The bill provides that both professions are to be regulated by the Alcohol and Drug Counselor Committee in the State Board of Marriage and Family Therapy Examiners.

The bill prohibits the practice of tobacco treatment counseling as a licensed clinical tobacco treatment specialist or certified tobacco treatment specialist unless a person is licensed or certified pursuant to the bill.

The bill establishes an application process for licensure and certification. The bill provides that the board is to issue a license to any health care provider in this State who, within the scope of that provider's practice, diagnoses and treats tobacco or nicotine related disorders and demonstrates to the board that the person has certain qualifications.

The bill also prohibits tobacco treatment specialists from disclosing any confidential information that the specialist, or an employee of a specialist may have acquired while performing tobacco counseling services for a patient unless in accordance with the federal regulations regarding the confidentiality of tobacco treatment patient records.

The bill prohibits a person from engaging in the practice of tobacco treatment counseling as a licensed clinical tobacco treatment specialist or a certified tobacco treatment specialist unless the person is practicing under the direct supervision of a physician licensed to practice in this State.

The bill does not prevent a person from doing tobacco counseling work, or advertising that service, if acting within the scope of the person's profession or occupation and doing work consistent with the person's training, including physicians, clinical social workers, psychologists, nurses, or any other profession or occupation licensed by the State, or students within accredited programs of these professions, if the person does not hold himself or herself out to the public as possessing a license or certification issued pursuant to the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill's creation of two new regulated professions – licensed clinical tobacco treatment specialist and certified tobacco treatment specialist – will increase annual State revenues by an indeterminate amount. These revenues will derive from initial application, license, and certification fees, any fees for licensure and certification renewal, and from penalties collected from individuals violating the provisions of this bill. The OLS also anticipates the new license and certification for tobacco treatment counseling to result in additional license and certification applications and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs by an indeterminate amount.

Increased Annual State Revenues: The OLS notes that the bill may increase annual State revenues from the administration and collection of application, license, certification, and renewal fees, but the OLS has no information on the number of people that will apply to be a licensed clinical tobacco treatment specialist or a certified tobacco treatment specialist to estimate the annual amounts. The OLS anticipates that the State may also annually collect indeterminate fines and penalty payments from violators of statutory and regulatory requirements applicable to the new license and certification.

Increased Annual State Expenditure: The OLS anticipates the new license and certification for tobacco treatment counseling to result in additional license and certification applications and renewals thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs. The OLS has no information on the number of people that will apply to be a licensed clinical tobacco treatment specialist or a certified tobacco treatment specialist. Additionally, the OLS has no information on the regulatory cost per applicant, which will depend on operating decisions by the board.

Section: Law and Public Safety

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).