

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3704

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Assembly Health and Senior Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3704.

This Assembly Committee Substitute prohibits the sale, offer for sale, and distribution of electronic smoking devices and related products that have a “characterizing flavor.” As used in the substitute, “characterizing flavor” means the electronic smoking device or related product, or any smoke or vapor emanating from that device or product, imparts a distinguishable flavor, taste, or aroma prior to or during consumption, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice flavoring; or the electronic smoking device or related product is advertised or marketed as having or producing any such flavor, taste, or aroma.

“Electronic smoking device” is defined to include any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, or pipe. The prohibition established under the substitute extends to any cartridge or other component of the device or other related product, including liquid nicotine, which is defined to mean any solution containing nicotine that is designed or sold for use with an electronic smoking device.

A person who violates the prohibition established under the substitute bill will be liable for a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation, to be collected in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality will be required to issue a summons for a violation and serve and execute all process consistent with the Rules of Court. Penalties will be recovered by and in the name of the State by the local health agency, and will be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.