

[First Reprint]

**SENATE, No. 992**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 16, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Prohibits sale of tobacco products and electronic smoking devices at pharmacies and certain businesses with on-site pharmacies.

**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: 3/26/2019)**

1 AN ACT concerning tobacco and electronic smoking devices 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, either directly or indirectly by an agent or  
8 employee, or by a vending machine located on the premises, shall  
9 sell or offer for sale at a pharmacy practice site that has been issued  
10 a permit under P.L.2003, c.280 (C.45:14-40 et seq.) <sup>1</sup>, or at a  
11 business entity that has a pharmacy practice site located on its  
12 premises<sup>1</sup> :

13 (1) any cigarettes made of tobacco or of any other matter or  
14 substance which can be smoked, or any cigarette paper or tobacco  
15 in any form, including smokeless tobacco; or

16 (2) any electronic smoking device that can be used to deliver  
17 nicotine or other substances to the person inhaling from the device,  
18 including, but not limited to, an electronic cigarette, cigar, cigarillo,  
19 or pipe, or any cartridge or other component of the device or related  
20 product.

21 b. Nothing in subsection a. of this section shall be construed to  
22 prohibit a pharmacy practice site <sup>1</sup>or business entity that has a  
23 pharmacy practice site located on its premises<sup>1</sup> from selling or  
24 offering for sale smoking cessation products approved by the  
25 federal Food and Drug Administration <sup>1</sup>, and nothing in subsection  
26 a. of this section shall be construed to prohibit a pharmacy practice  
27 site, or a business entity that has a pharmacy practice site located on  
28 its premises, that has been issued a medical cannabis dispensary  
29 permit pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), from  
30 dispensing medical cannabis in any authorized form, as well as  
31 paraphernalia and related supplies, to registered qualifying  
32 patients<sup>1</sup>.

33 c. The owner of a pharmacy practice site <sup>1</sup>or a business entity  
34 that has a pharmacy practice site located on its premises<sup>1</sup> that  
35 violates the provisions of subsection a. of this section shall be liable  
36 to a civil penalty of not less than \$250 for the first violation, not  
37 less than \$500 for the second violation, and \$1,000 for the third and  
38 each subsequent violation. The civil penalty shall be collected  
39 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
40 c.274 (C.2A:58-10 et seq.), in a summary proceeding before the  
41 municipal court having jurisdiction. An official authorized by  
42 statute or ordinance to enforce the State or local health codes or a  
43 law enforcement officer having enforcement authority in that  
44 municipality may issue a summons for a violation of the provisions

**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:

<sup>1</sup>Senate SHH committee amendments adopted September 10, 2019.

1 of subsection a. of this section, and may serve and execute all  
2 process with respect to the enforcement of this section consistent  
3 with the Rules of Court. A penalty recovered under the provisions  
4 of this subsection shall be recovered by and in the name of the State  
5 by the local health agency. The penalty shall be paid into the  
6 treasury of the municipality in which the violation occurred for the  
7 general uses of the municipality.

8 d. In addition to the provisions of subsection c. of this section,  
9 a pharmacy practice site at which a violation of subsection a. of this  
10 section occurs may be subject to disciplinary action by the Board of  
11 Pharmacy <sup>1</sup>, and a business entity that has a pharmacy practice site  
12 located on its premises at which a violation of subsection a. of this  
13 section occurs may be subject to disciplinary action by an agency,  
14 board, office, or other appropriate governmental entity having  
15 jurisdiction<sup>1</sup> .

16  
17 2. This act shall take effect on the first day of the seventh  
18 month next following the date of enactment.