ASSEMBLY, No. 526

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Establishes "Fund to Prevent Use of Tobacco and Electronic Smoking Devices"; supports activities to prevent use and promote awareness of associated health conditions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing a fund to support prevention and awareness activities concerning the use of tobacco and electronic smoking devices, and supplementing Title 26 of the Revised Statutes.

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

1. A manufacturer of cigarettes, as those terms are defined in the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), a manufacturer of tobacco products, as those terms are defined in the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), and a manufacturer of electronic smoking devices as defined in section 3 of P.L.2005, c.383 (C.26:3D-57), shall forward to the Department of the Treasury, on a quarterly basis, $.25 of every $1 that the manufacturer spends on advertising or marketing cigarettes, tobacco products, or electronic smoking devices in the State, for deposit into the "Fund to Prevent Use of Tobacco and Electronic Smoking Devices" established pursuant to section 2 of this act.

2. a. There is established in the Department of the Treasury a nonlapsing revolving fund to be known as the "Fund to Prevent Use of Tobacco and Electronic Smoking Devices." This fund shall be the repository for moneys collected pursuant to section 1 of this act. The moneys from the fund shall be used for the purpose of supporting activities to prevent the use of tobacco and electronic smoking devices in the State, and promoting awareness of the health conditions associated with such use.

b. The State Treasurer is the custodian of the fund and all disbursements from the fund shall be made by the State Treasurer upon vouchers signed by the Commissioner of Health, or the commissioner's designee, for the purpose specified in subsection a. of this section. The moneys in the fund shall be invested and reinvested by the Director of the Division of Investment in the Department of the Treasury as are other trust funds in the custody of the State Treasurer in the manner provided by law. Interest received on the moneys in the fund shall be credited to the fund.

3. This act shall take effect on the first day of the fourth month next following the date of enactment.

STATEMENT

This bill establishes the "Fund to Prevent Use of Tobacco and Electronic Smoking Devices" in the Department of the Treasury for the purpose of supporting activities to prevent such use in the State,

and promoting awareness of the health conditions associated with use of tobacco and electronic smoking devices.

The fund would be derived from the requirement in the bill that a manufacturer of cigarettes, a manufacturer of tobacco products, and a manufacturer or electronic smoking devices forward to the Department of the Treasury, on a quarterly basis, $.25 of every $1 that the manufacturer spends on advertising or marketing cigarettes, tobacco products, or electronic smoking devices in the State.

The bill defines "tobacco product" pursuant to the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), and includes "any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and dry and moist snuff." "Cigarette" is defined pursuant to the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), and includes "any roll for smoking made wholly or in part of tobacco, or any other substance or substances other than tobacco, irrespective of size, shape or flavoring, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco. A 'single cigarette' is a cigarette sold or offered for sale individually."

"Electronic smoking device" is defined pursuant to P.L.2009, c.182, which amended the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.) and other provisions of law, and includes "an 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, or pipe."