

ASSEMBLY, No. 967

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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Assemblymen Armato, Mazzeo and Assemblywoman Reynolds-Jackson

SYNOPSIS

Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning sales of tobacco and vapor products 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 shall, either directly or indirectly by an agent
8 or employee, when engaging in the sale or offer for sale of any
9 tobacco or vapor product to a consumer at retail:

10 (1) offer, provide, or accept coupons, including online coupons;

11 (2) offer or provide price reduction promotions, including online
12 promotional discount codes; or

13 (3) offer or provide price rebates.

14 b. A person who violates the provisions of subsection a. of this
15 section shall be liable to a civil penalty of not less than \$250 for the
16 first violation, not less than \$500 for the second violation, and
17 \$1,000 for the third and each subsequent violation. The civil
18 penalty shall be collected pursuant to the "Penalty Enforcement
19 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
20 proceeding before the municipal court having jurisdiction. An
21 official authorized by statute or ordinance to enforce the State or
22 local health codes or a law enforcement officer having enforcement
23 authority in that municipality may issue a summons for a violation
24 of the provisions of subsection a. of this section, and may serve and
25 execute all process with respect to the enforcement of this section
26 consistent with the Rules of Court. A penalty recovered under the
27 provisions of this subsection shall be recovered by and in the name
28 of the State by the local health agency. The penalty shall be paid
29 into the treasury of the municipality in which the violation occurred
30 for the general uses of the municipality.

31 c. In addition to the provisions of subsection b. of this section,
32 upon the recommendation of the municipality, following a hearing
33 by the municipality, the Division of Taxation in the Department of
34 the Treasury may suspend or, after a second or subsequent violation
35 of the provisions of subsection a. of this section, revoke a license
36 issued under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail
37 dealer. The licensee shall be subject to administrative charges,
38 based on a schedule issued by the Director of the Division of
39 Taxation, which may provide for a monetary penalty in lieu of a
40 suspension.

41 d. A penalty imposed pursuant to this section shall be in
42 addition to any other penalty that may be imposed in connection
43 with the offense.

44 e. Nothing in this section shall apply to online coupons or
45 promotional discount codes for smoking cessation products,
46 including gum, lozenges, or other aids to smoking cessation
47 approved by the federal Food and Drug Administration.

1 f. As used in this section:

2 “Tobacco product” means cigarettes made of tobacco or of any
3 other matter or substance which can be smoked, or any cigarette
4 paper or tobacco in any form, including smokeless tobacco.

5 "Vapor product" means any non-combustible product containing
6 nicotine that employs a heating element, power source, electronic
7 circuit, or other electronic, chemical, or mechanical means,
8 regardless of shape or size, to produce vapor from nicotine in a
9 solution or any form. "Vapor product" includes, but is not limited
10 to, any electronic cigarette, electronic cigar, electronic cigarillo,
11 electronic pipe, or similar product or device, and any vapor
12 cartridge or other container of nicotine in a solution or other form
13 that is intended to be used with, or in, any such device. "Vapor
14 product" does not include any product that is approved, and that is
15 regulated as a prescription drug delivery service, by the United
16 States Food and Drug Administration under Chapter V of the Food,
17 Drug, and Cosmetic Act.

18

19 2. This act shall take effect on the first day of the second month
20 next following the date of enactment.

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23 STATEMENT

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25 This bill prohibits the use of coupons, price reductions, and price
26 rebates in connection with the sale or offer for sale of tobacco and
27 vapor products to consumers at retail. The prohibition extends to
28 online coupons and promotional discount codes, but would not
29 apply to coupons or discount codes for smoking cessation products.
30 “Tobacco product” is defined to include cigarettes, smokeless
31 tobacco, and tobacco in any other form; and “vapor product” is
32 defined to include electronic smoking devices and the vapor
33 cartridges used in or with the devices.

34 A violation of this prohibition would be punishable by a civil
35 penalty of not less than \$250 for a first violation, not less than \$500
36 for a second violation, and \$1,000 for a third or subsequent
37 violation, which will be paid into the treasury of the municipality in
38 which the violation occurred. Additionally, a licensed tobacco retail
39 dealer found to have committed a violation would, following a
40 hearing, be subject to an additional administrative penalty or
41 suspension of the dealer’s license; the license would be subject to
42 revocation following a second violation. Penalties imposed under
43 the bill would be in addition to any other penalties that may apply
44 for the offense.