

ASSEMBLY, No. 2328

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

Co-Sponsored by:

Assemblyman Caputo

SYNOPSIS

Prohibits use of electronic smoking devices and tobacco products by food delivery drivers while engaged in food delivery.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/3/2020)

1 **AN ACT** concerning food delivery drivers and supplementing Title
2 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. An individual employed by a delicatessen, grocery store,
8 supermarket, food or grocery delivery service, restaurant, or similar
9 business, who is delivering food or groceries to a customer in the
10 course of the individual's employment with the business, shall not
11 use an electronic smoking device or tobacco products while
12 delivering, handling, or transporting the customer's food or
13 groceries.

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 shall issue a summons for a violation
24 of the provisions of subsection a. of this section, and shall 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. As used in this section:

32 "Electronic smoking device" means an electronic device that can
33 be used to deliver nicotine or other substances to the person
34 inhaling from the device, including, but not limited to, an electronic
35 cigarette, cigar, cigarillo, hookah, or pipe.

36 "Tobacco product" means any product containing, made, or
37 derived from any tobacco, nicotine, or other chemicals or
38 substances for consumption by a person, including, but not limited
39 to, cigarettes, cigars, little cigars, cigarillos, pipe tobacco, or
40 smoking tobacco.

41
42 2. This act shall take effect 60 days after the date of enactment.

STATEMENT

This bill prohibits the use of electronic smoking devices and tobacco products by food delivery drivers while engaged in food delivery.

Under the bill, an individual employed by a delicatessen, grocery store, supermarket, food or grocery delivery service, restaurant, or similar business, who is delivering food or groceries to a customer in the course of the individual's employment with the business, is prohibited from using an electronic smoking device or tobacco products while delivering, handling, or transporting the customer's food or groceries.

The bill defines "electronic smoking device" to mean 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. "Tobacco product" means any product containing, made, or derived from any tobacco, nicotine, or other chemicals or substances for consumption by a person, including, but not limited to, cigarettes, cigars, little cigars, cigarillos, pipe tobacco, or smoking tobacco.

A person who violates the bill's provisions 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.