ASSEMBLY, No. 2395

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)

SYNOPSIS

Increases fines for selling single cigarettes and cigarettes in packs of less than 20.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning loose cigarettes and amending P.L.2004, c.96.

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

1. Section 1 of P.L.2004, c.96 (C.54:40A-4.2) is amended to read as follows:

1. a. A person shall not sell, offer for sale, give away, or deliver single cigarettes, as defined in section 102 of P.L.1948, c.65 (C.54:40A-2) or cigarettes in packs of less than 20 cigarettes from a vending machine or in a retail establishment.

b. A person who owns a vending machine that dispenses, sells, offers for sale, gives away, or delivers single cigarettes or cigarettes in packs of less than 20 cigarettes shall be fined not less than **[**$100**]** $200 or more than **[**$500**]** $1,000 for each day that the vending machine is determined to be in violation of subsection a. of this section.

c. A person, either acting directly or indirectly through an agent, who, at retail, sells or offers for sale, gives away, delivers, or otherwise furnishes to a person a single cigarette or cigarettes in packs of less than 20 cigarettes shall be fined **[**$250**]** $500 for a first offense and **[**$500**]** $1,000 for a second or subsequent offense.

(cf: P.L.2004, c.96, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill doubles the penalties that apply to individuals who sell, offer for sale, give away, or deliver single cigarettes or cigarettes in packs of less than 20 cigarettes at retail or through a vending machine.

In the case of a vending machine that is in violation of this prohibition, the owner of the vending machine will be subject to a penalty of at least $200, but no more than $1,000, for each day that the vending machine is in violation. The current penalty that applies to vending machine violations is $100 to $500 per day.

In the case of retail sales in violation of the prohibition, the applicable penalty will be $500 for a first offense and $1,000 for a second or subsequent offense; the current penalty for retail violations is $250 for a first offense and $500 for a second or subsequent offense.

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.