

ASSEMBLY, No. 3289

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2021)

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.), or a business
11 entity that has a pharmacy practice site located on its premises:

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

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

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

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

1 treasury of the municipality in which the violation occurred for the
2 general uses of the municipality.

3 d. In addition to the provisions of subsection c. of this section,
4 a pharmacy practice site at which a violation of subsection a. of this
5 section occurs may be subject to disciplinary action by the Board of
6 Pharmacy, and a business entity that has a pharmacy practice site
7 located on its premises at which a violation of subsection a. of this
8 section occurs may be subject to disciplinary action by an agency,
9 board, office, or other appropriate governmental entity having
10 jurisdiction.

11
12 2. This act shall take effect on the first day of the seventh
13 month next following the date of enactment.

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STATEMENT

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18 This bill prohibits the sale of all tobacco products and electronic
19 smoking devices, including any cartridge or other component of an
20 electronic smoking device, at pharmacies located in New Jersey, as
21 well as at any business in New Jersey that has a pharmacy located
22 on its premises. The owner of a pharmacy or other business entity
23 that violates this prohibition will be subject to a civil penalty of not
24 less than \$250 for a first violation, not less than \$500 for a second
25 violation, and \$1,000 for a third or subsequent violation. A
26 pharmacy at which a violation occurs may also be subject to
27 disciplinary action by the Board of Pharmacy, and any other
28 business entity at which a violation occurs may also be subject to
29 disciplinary action by an agency, board, office, or other appropriate
30 governmental entity having jurisdiction.

31 Nothing in the bill is to be construed to prohibit the sale of
32 smoking cessation products approved by the federal Food and Drug
33 Administration, and nothing in the bill is to prohibit a pharmacy or
34 other business entity that has been issued a medical cannabis
35 dispensary permit from dispensing medical cannabis in any form,
36 along with paraphernalia and related supplies, to registered
37 qualifying patients.