

Title 2A.
Chapter 170.
Article 5.
(Rename)
Tobacco,
Smoking, and
Other Products
§1
C.2A:170-51.14

P.L. 2021, CHAPTER 475, *approved January 18, 2022*
Assembly, No. 6020

1 **AN ACT** concerning tobacco product retailers and supplementing
2 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. Any entity, other than a cigar shop, that sells, offers for
8 sale, or distributes for commercial purpose any tobacco product
9 shall maintain a stock of, and offer for retail sale, at least one type
10 of nicotine replacement therapy drug, device, or combination
11 product that has been approved by the federal Food and Drug
12 Administration for cessation of tobacco use pursuant to the “Federal
13 Food, Drug, and Cosmetic Act,” 21 U.S.C. s.301 et seq.
14 b. An entity that is subject to the requirements of subsection a.
15 of this section shall have the discretion to determine:
16 (1) the number and type of nicotine replacement therapy
17 products that the entity will stock and offer for sale;
18 (2) the quantity of each nicotine replacement therapy product
19 that is stocked and offered for sale; and
20 (3) whether the entity will stock and offer for sale more than one
21 type of nicotine replacement therapy product.
22 c. An entity that is subject to the requirements of subsection a.
23 of this section that sells out of the entity’s full stock of nicotine
24 replacement therapy products shall have five business days to place
25 an order for a new stock of a nicotine replacement therapy product,
26 and shall have 14 days from the date the entity sells its last nicotine
27 replacement therapy product to again stock and offer for retail sale
28 a nicotine replacement therapy product.
29 d. An entity that is subject to the requirements of subsection a.
30 of this section shall:
31 (1) display nicotine replacement therapy products that are
32 offered for retail sale in a location behind the sales counter;
33 (2) provide printed notice within the establishment that nicotine
34 replacement therapy products are available for retail sale at that
35 location; and

1 (3) display the official logo, phone number, and Internet address
2 of the NJ Smoking Quitline or a successor program.

3 e. The Commissioner of Health may establish requirements
4 concerning how and where materials described in paragraphs (2)
5 and (3) of subsection c. of this section shall be displayed, as well as
6 requirements concerning the size and other characteristics of the
7 materials.

8 f. As used in this section:

9 “Cigar shop” means a retail establishment wherein the only
10 tobacco products and products related to tobacco use that are
11 available for sale or commercial distribution are cigars and cigar
12 accessories, including lighters, cigar cutters, humidors, and cigar
13 carrying tubes. An establishment shall be considered a cigar shop
14 for the purposes of this section regardless of whether the
15 establishment offers other, non-tobacco products for sale or
16 commercial distribution.

17 “Tobacco product” means any product containing, made of, or
18 derived from tobacco or nicotine that is intended for human
19 consumption or is likely to be consumed, whether inhaled,
20 absorbed, or ingested by other means, including, but not limited to,
21 a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus;
22 any vapor product; and any component, part, or accessory of a
23 product containing, made of, or derived from tobacco or nicotine or
24 a vapor product, regardless of whether the component, part, or
25 accessory contains tobacco or nicotine. “Tobacco product”
26 includes, but is not limited to, filters, rolling papers, blunt or hemp
27 wraps, hookahs, and pipes.

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29 2. This act shall take effect 60 days after the date of enactment.
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32 STATEMENT

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34 This bill requires any entity that sells, offers for sale, or
35 distributes for commercial purpose any tobacco product to maintain
36 a stock of, and offer for retail sale, at least one type of nicotine
37 replacement therapy drug, device, or combination product that has
38 been approved by the federal Food and Drug Administration for
39 cessation of tobacco use pursuant to the “Federal Food, Drug, and
40 Cosmetic Act,” 21 U.S.C. s.301 et seq. This requirement will not
41 apply to cigar shops, which are defined under the bill to mean retail
42 establishments wherein the only tobacco products and products
43 related to tobacco use that are available for sale or commercial
44 distribution are cigars and cigar accessories.

45 An entity that is subject to these requirements will have the
46 discretion to determine the number and type of nicotine replacement
47 therapy products that the entity will stock and offer for sale, as well
48 as the quantity of the product that is stocked and offered for sale

1 and whether the entity will stock and offer for sale more than one
2 type of nicotine replacement therapy product. All nicotine
3 replacement therapy products offered for retail sale are to be
4 displayed in a location that is behind the sales counter.

5 An entity that sells out of the entity's full stock of nicotine
6 replacement therapy products will have five business days to place
7 an order for a new stock of nicotine replacement therapy products,
8 and will have 14 days from the date the entity sells its last nicotine
9 replacement therapy product to again stock and offer for retail sale
10 a nicotine replacement therapy product.

11 The entity will be required to additionally display: 1) printed
12 notice that nicotine replacement therapy products are available for
13 retail sale at that location; and 2) the official logo, phone number,
14 and Internet address of the NJ Smoking Quitline or a successor
15 program. The Commissioner of Health may establish requirements
16 concerning how and where these materials are to be displayed, as
17 well as requirements concerning the size and other characteristics of
18 the materials.

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23 Establishes requirements for certain tobacco product retailers to
24 stock and sell nicotine replacement therapy products.