

**SENATE, No. 1144**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JANUARY 30, 2020

**Sponsored by:**  
**Senator JOSEPH F. VITALE**  
**District 19 (Middlesex)**

**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.



S1144 VITALE

2

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 at 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

**S1144 VITALE**

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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16 **STATEMENT**

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