

[First Reprint]

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 certain pharmacies.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on February 9, 2021, with amendments.



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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted February 9, 2021.

1 the State by the local health agency. The penalty shall be paid into the
2 treasury of the municipality in which the violation occurred for the
3 general uses of the municipality.

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

12 ¹e. The provisions of subsection a. of this section shall not apply to
13 a department store or food retailer that is licensed to operate a
14 pharmacy practice site on its premises or that leases space on its
15 premises to a third party for the operation of a pharmacy practice site.

16 f. As used in this section:

17 “Department store” means a retail establishment where foodstuffs,
18 ready-to-wear apparel, and accessories for adults and children, yard
19 goods and household textiles, small household wares, furniture,
20 electrical appliances, and accessories are regularly and customarily
21 sold.

22 “Food retailer” means a grocery store, super market, or retail
23 establishment where groceries and other food stuffs are regularly and
24 customarily sold in a bona fide manner for off-premises consumption,
25 and the sale of groceries and other food stuffs constitutes at least 65
26 percent of the store’s total annual sales.¹

27
28 2. This act shall take effect on the first day of the seventh
29 month next following the date of enactment.