

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1144**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 9, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1144.

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

As amended, the provisions of the bill will not apply to a department store or food retailer that is licensed to operate as a pharmacy practice site or that leases space on its premises to a third party for the operation of a pharmacy practice site.

The bill defines “department store” to mean a retail establishment where foodstuffs, ready-to-wear apparel, and accessories for adults and children, yard goods and household textiles, small household wares, furniture, electrical appliances, and accessories are regularly and customarily sold. The bill defines “food retailer” to mean a grocery store, super market, or retail establishment where groceries and other food stuffs are regularly and customarily sold in a bona fide manner for off-premises consumption, and the sale of groceries and other food stuffs constitutes at least 65 percent of the store’s total annual sales.

Nothing in the bill is to be construed to prohibit the sale of smoking cessation products approved by the federal Food and Drug Administration, and nothing in the bill is to prohibit a pharmacy that has been issued a medical cannabis dispensary permit from dispensing

medical cannabis in any form, along with paraphernalia and related supplies, to registered qualifying patients.

COMMITTEE AMENDMENTS:

The committee amendments add language expressly providing that the bill will not apply to a department store or food retailer that is licensed to operate a pharmacy practice site or that leases space on its premises to a third party entity to operate a pharmacy practice site. The amendments add definitions for “department store” and “food retailer.”