SENATE, No. 1510

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Prohibits sale of certain products using advertisements alluding to controlled dangerous substances or analogs.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the sale of products using certain advertisements and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be an unlawful practice for any person to sell, or offer for sale, any merchandise which uses any advertisement, on its packaging or elsewhere, which directly or indirectly links the product to, or otherwise alludes to, any controlled dangerous substance or analog:

a. To a person under 18 years of age; or

b. If the product is a food, beverage, or intended to be ingested or inhaled.

The provisions of this act shall not apply to any prescription medication that is dispensed by a pharmacist pursuant to a valid prescription.

2. This act shall take effect on the first day of the third month next following enactment.

STATEMENT

This bill prohibits the sale of certain items which use advertisements linked or alluding to controlled dangerous substances or analogs. The bill bans the sale of any food, beverage, or other product meant to be ingested or inhaled which uses the advertisement on its packaging or elsewhere. The bill further prohibits the sale of any product using the advertising, regardless of the product's intended use, to a person under 18 years of age. The bill specifies that the provisions do not apply to any prescription medication dispensed by a pharmacist pursuant to a valid prescription.

A violation under the bill would be an unlawful practice under the consumer fraud act, which is punishable by a monetary penalty of not more than $10,000 for a first offense and not more than $20,000 for any subsequent offense. Additionally, a violation can result in a cease and desist order issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured.