

SENATE, No. 1872

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2002

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Concerns the shipment of tobacco by delivery services.

CURRENT VERSION OF TEXT

As introduced.



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2

1 **AN ACT** concerning the delivery and taxation of tobacco 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. It is unlawful for any public or private package delivery
8 service to knowingly deliver a tobacco product to a person under the
9 age of 18 years.

10 b. A tobacco product shall not be accepted for delivery by such a
11 package delivery service if the package does not have affixed thereto
12 a label which plainly and visibly states that the package contains
13 tobacco and that it is not for delivery to any person under age 18.

14
15 2. Any public or private postal or package delivery service that
16 knowingly delivers a tobacco product directly to a purchaser shall:

17 a. Deliver solely to the purchaser at the address given by the
18 purchaser as specified on a valid New Jersey driver's license, passport,
19 state issued identification, United States military identification, or
20 immigration card.

21 b. Require the signature of the purchaser.

22 c. Receive and inspect the identification of the purchaser showing
23 the purchaser's date of birth to verify that he is 18 years of age or
24 older.

25 d. Receive an attestation from the purchaser, on a form prepared
26 by the delivery service, certifying that the information on the
27 identification required under subsection a. of this section truly and
28 correctly identifies the purchaser, his current address and age. The
29 certification shall be retained on file by the distributor for no less than
30 one year.

31 e. Submit a copy of the invoice for each delivered package to the
32 Division of Taxation which shall ensure that the appropriate excise
33 taxes are paid thereon. To be accepted by the delivery service, each
34 invoice shall include the name and address of the purchaser, the brand,
35 and the type and quantity of tobacco.

36
37 3. a. Upon discovery that a violation of this act has occurred, the
38 Director of the Division of Taxation may file a complaint with the
39 municipal court where the violation occurred for the purpose of
40 prosecuting the person for such violation. The penalty recovered shall
41 be paid into the treasury of the municipality.

42 b. A person who delivers a tobacco product in violation of this act
43 shall be fined no less than \$250 or more than \$1,000 for each offense.

44 c. A person who falsely certifies information required pursuant to
45 section 2 shall be fined no less than \$100 or more than \$500 for each
46 offense.

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1 An Internet analyst with Forrester Research, a business research
2 firm, has estimated that national online sales accounted for three
3 percent of the more than 400 billion cigarettes sold last year.
4 However, the analyst predicted that online sales will grow to
5 14 percent by the year 2005. Moreover, a researcher at the North
6 Carolina School of Public Health has reported that if deliberate and
7 concerted action is not taken, tobacco commerce on the Internet could
8 prove to be a significant threat to comprehensive tobacco control. He
9 and his colleagues found 88 Internet cigarette sellers in 23 states. He
10 reported that State and federal legislation and enforcement will
11 probably be needed to ensure that appropriate excise taxes are paid on
12 cigarettes, that grey market cigarettes are not sold online, and that
13 youth access to tobacco products is restricted.