

**SENATE, No. 2877**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MAY 14, 2015

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Madden**

**SYNOPSIS**

Prohibits sale or distribution of liquid nicotine except in child-resistant containers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/20/2015)**

1 AN ACT concerning liquid nicotine and supplementing Title 2A of  
2 the New Jersey Statutes.

3

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

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7 1. a. No person, either directly or indirectly by an agent or  
8 employee, or by a vending machine owned by the person or located  
9 in the person's establishment, shall sell, offer for sale, give, furnish,  
10 or distribute for commercial purpose at no cost or minimal cost or  
11 with coupons or rebate offers, liquid nicotine to any person unless  
12 the liquid nicotine is sold, offered for sale, given, furnished, or  
13 distributed for commercial purpose in a child-resistant container.

14 As used in this section:

15 (1) "child-resistant container" means a container which is  
16 designed and constructed in a manner so that it is significantly  
17 difficult for a child five years of age or younger to open the package  
18 or otherwise risk exposure to liquid nicotine; and

19 (2) "liquid nicotine" means any solution containing nicotine  
20 which is designed or sold for use with an electronic smoking  
21 device.

22 b. A person who violates the provisions of subsection a. of this  
23 section shall be liable to a civil penalty of not less than \$250 for the  
24 first violation, not less than \$500 for the second violation, and  
25 \$1,000 for the third and each subsequent violation. The civil  
26 penalty shall be collected pursuant to the "Penalty Enforcement  
27 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary  
28 proceeding before the municipal court having jurisdiction. An  
29 official authorized by statute or ordinance to enforce the State or  
30 local health codes, or a law enforcement officer having enforcement  
31 authority in that municipality, may issue a summons for a violation  
32 of the provisions of subsection a. of this section, and may serve and  
33 execute all process with respect to the enforcement of this section  
34 consistent with the Rules of Court. A penalty recovered under the  
35 provisions of this subsection shall be recovered by and in the name  
36 of the State by the local health agency. The penalty shall be paid  
37 into the treasury of the municipality in which the violation occurred  
38 for the general uses of the municipality.

39 c. In addition to the provisions of subsection b. of this section,  
40 upon the recommendation of the municipality, following a hearing  
41 by the municipality, the Division of Taxation in the Department of  
42 the Treasury may suspend or, after a second or subsequent violation  
43 of the provisions of subsection a. of this section, revoke the license  
44 of a retail dealer issued under section 202 of P.L.1948, c.65  
45 (C.54:40A-4). The licensee shall be subject to administrative  
46 charges, based on a schedule issued by the Director of the Division  
47 of Taxation, which may provide for a monetary penalty in lieu of a  
48 suspension.

