

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 298

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 298.

As amended by the committee, this bill expands the prohibition on the sale or distribution of flavored cigarettes to include flavored electronic smoking devices.

Specifically, the bill amends the legislative findings and declarations of P.L.2008, c.91 (C.2A:170-51.5 et seq.) to include information on the health risks associated with flavored electronic smoking devices. The bill further amends the legislative findings and declarations of the law to clarify that the sale or distribution of flavored electronic smoking devices poses a significant threat to the health of the general public, and the protection of the public health warrants the sale or distribution of these devices to be prohibited.

Under current law, the legislative findings and declarations highlight the health risks associated with, and specifies the reasons for the prohibition on the sale or distribution of, flavored cigarettes, but do not include information on the dangers posed by, or call for a prohibition on the sale or distribution of, electronic smoking devices.

The bill amends section 2 of P.L.2008, c.91 (C.2A:170-51.6) to expand the prohibition on the sale or distribution of flavored cigarettes to include flavored electronic smoking devices or any cartridges or other components of the devices or other related products, including liquid refills.

Current law prohibits the sale or distribution of cigarettes that have a characterizing flavor other than tobacco, clove, or menthol. The law does not prohibit the sale or distribution of electronic smoking devices or any cartridges or other components of the devices or other related products, including liquid refills, that have a characterizing flavor other than those currently allowed.

As defined in the bill, "electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, or pipe.

The bill also amends section 2 of P.L.2008, c.91 (C.2A:170-1 51.6) to expand the definition of "characterizing flavor other than tobacco, clove or menthol" to include electronic smoking devices or any cartridges or other components of the devices or other related products, including liquid refills. Under current law, the definition refers to flavored cigarettes and not to electronic smoking devices or any cartridges or other components of the devices or other related products, including liquid refills.

The bill amends the penalty section of the law to clarify that law enforcement officers or officials authorized to enforce State or local are required to issue summonses for violations of the law, and are required to enforce the penalty provisions specified by law. The bill also clarifies that upon recommendation of a municipality, and following a hearing, the Division of Taxation in the Department of the Treasury is required to suspend or revoke a retailer's license after two or more violations of the law.

Currently, issuing a summons for a violation or suspending or revoking a retailer's license is at the discretion of code enforcement officials, law enforcement officers, or the division, as applicable, and is not required under the law's provisions.

The committee amended the bill to add hookah to the definition of "electronic smoking device."