

**ASSEMBLY, No. 1723**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

Prohibits sale of tobacco products and electronic smoking devices at pharmacies.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/6/2019)**

1    **AN ACT** concerning tobacco and electronic smoking devices 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:*

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7       1.   a.   No person, either directly or indirectly by an agent or  
8       employee, or by a vending machine located on the premises, shall  
9       sell or offer for sale at a pharmacy practice site that has been issued  
10      a permit under P.L.2003, c.280 (C.45:14-40 et seq.):

11       (1) any cigarettes made of tobacco or of any other matter or  
12      substance which can be smoked, or any cigarette paper or tobacco  
13      in any form, including smokeless tobacco; or

14       (2) any electronic smoking device that can be used to deliver  
15      nicotine or other substances to the person inhaling from the device,  
16      including, but not limited to, an electronic cigarette, cigar, cigarillo,  
17      or pipe, or any cartridge or other component of the device or related  
18      product.

19       b.   Nothing in subsection a. of this section shall be construed to  
20      prohibit a pharmacy practice site from selling or offering for sale  
21      smoking cessation products approved by the federal Food and Drug  
22      Administration.

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

41       d.   In addition to the provisions of subsection c. of this section,  
42      a pharmacy practice site at which a violation of subsection a. of this  
43      section occurs may be subject to disciplinary action by the Board of  
44      Pharmacy.

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46       2.   This act shall take effect on the first day of the seventh  
47      month next following the date of enactment.

## STATEMENT

3 This bill prohibits the sale of all tobacco products and electronic  
4 smoking devices, including any cartridge or other component of an  
5 electronic smoking device, at pharmacies located in New Jersey.  
6 The owner of a pharmacy that violates this prohibition will be  
7 subject to a civil penalty of not less than \$250 for a first violation,  
8 not less than \$500 for a second violation, and \$1,000 for a third or  
9 subsequent violation, and the pharmacy may be subject to  
10 disciplinary action by the Board of Pharmacy. Nothing in the bill is  
11 to be construed to prohibit the sale of smoking cessation products  
12 approved by the federal Food and Drug Administration.