## ASSEMBLY, No. 3178

# STATE OF NEW JERSEY

### 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:** 

Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)
Assemblywoman CAROL A. MURPHY

Assemblywoman CAROL A. MURPHY

**District 7 (Burlington)** 

Assemblywoman VALERIE VAINIERI HUTTLE

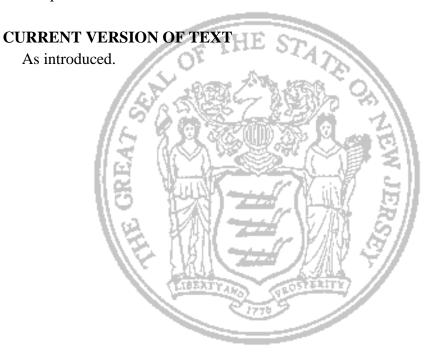
District 37 (Bergen)

#### **Co-Sponsored by:**

Assemblywoman Reynolds-Jackson, Assemblyman Houghtaling, Assemblywoman Downey, Assemblymen Benson, S.Kean, DePhillips and Assemblywoman Jimenez

#### **SYNOPSIS**

Prohibits sale or distribution of flavored electronic smoking devices and related products.



(Sponsorship Updated As Of: 11/15/2019)

**AN ACT** concerning electronic smoking devices and supplementing Title 2A of the New Jersey Statutes.

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

- 1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person any electronic smoking device or any cartridge or other component of the device or other related product, including liquid nicotine, that has a characterizing flavor.
- b. A person who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation. penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality shall issue a summons for a violation of the provisions of subsection a. of this section, and shall serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

#### c. As used in this section:

"Characterizing flavor" means a distinguishable flavor, taste, or aroma, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice flavoring, that is imparted, prior to or during consumption, by an electronic smoking device or any cartridge or other component of the device or other related product, including liquid nicotine, or any smoke or vapor emanating from that device or product. An electronic smoking device or any cartridge or other component of the device or other related product, including liquid nicotine, shall be deemed to have a characterizing flavor if the device, cartridge, component, or related product is advertised or marketed as having or producing any such distinguishable flavor, taste, or aroma.

"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.

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"Liquid nicotine" means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

2. This act shall take effect immediately.

#### **STATEMENT**

This bill prohibits the sale, offer for sale, and distribution of electronic smoking devices and related products that have a "characterizing flavor." As used in the substitute, "characterizing flavor" means the electronic smoking device or related product, or any smoke or vapor emanating from that device or product, imparts a distinguishable flavor, taste, or aroma prior to or during consumption, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice flavoring; or the electronic smoking device or related product is advertised or marketed as having or producing any such flavor, taste, or aroma.

"Electronic smoking device" is defined to include any 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 prohibition established under the substitute extends to any cartridge or other component of the device or other related product, including liquid nicotine, which is defined to mean any solution containing nicotine that is designed or sold for use with an electronic smoking device.

A person who violates the prohibition established under the substitute bill will be liable for a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation, to be collected in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality will be required to issue a summons for a violation and serve and execute all process consistent with the Rules of Court. Penalties will be recovered by and in the name of the State by the local health agency, and will be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality