

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

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.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning electronic smoking devices and supplementing
2 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. 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, distribute for
10 commercial purpose at no cost or minimal cost or with coupons or
11 rebate offers, give or furnish, to a person any electronic smoking
12 device or any cartridge or other component of the device or other
13 related product, including liquid nicotine, that has a characterizing
14 flavor.

15 b. A person who violates the provisions of subsection a. of this
16 section shall be liable to a civil penalty of not less than \$250 for the
17 first violation, not less than \$500 for the second violation, and
18 \$1,000 for the third and each subsequent violation. The civil
19 penalty shall be collected pursuant to the "Penalty Enforcement
20 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
21 proceeding before the municipal court having jurisdiction. An
22 official authorized by statute or ordinance to enforce the State or
23 local health codes or a law enforcement officer having enforcement
24 authority in that municipality shall issue a summons for a violation
25 of the provisions of subsection a. of this section, and shall serve and
26 execute all process with respect to the enforcement of this section
27 consistent with the Rules of Court. A penalty recovered under the
28 provisions of this subsection shall be recovered by and in the name
29 of the State by the local health agency. The penalty shall be paid
30 into the treasury of the municipality in which the violation occurred
31 for the general uses of the municipality.

32 c. As used in this section:

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

45 "Electronic smoking device" means an electronic device that can
46 be used to deliver nicotine or other substances to the person
47 inhaling from the device, including, but not limited to, an electronic
48 cigarette, cigar, cigarillo, hookah, or pipe.

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

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

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

20 "Electronic smoking device" is defined to include any electronic
21 device that can be used to deliver nicotine or other substances to the
22 person inhaling from the device, including, but not limited to, an
23 electronic cigarette, cigar, cigarillo, hookah, or pipe. The
24 prohibition established under the substitute extends to any cartridge
25 or other component of the device or other related product, including
26 liquid nicotine, which is defined to mean any solution containing
27 nicotine that is designed or sold for use with an electronic smoking
28 device.

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