

SENATE, No. 992

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 16, 2018

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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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.

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STATEMENT

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