

ASSEMBLY, No. 550

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman TURNER

1 AN ACT concerning the sale of tobacco products in vending machines  
2 and supplementing Chapter 3B of Title 26 of the Revised 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. A person who owns a vending machine shall not use that  
8 vending machine to sell, offer for sale, give away or deliver any  
9 tobacco product at or on any public or private premises except as  
10 provided in this act.

11 b. Tobacco vending machines are permitted in workplaces not  
12 ordinarily open to customers or the public, generally; in private social  
13 clubs catering to adults; on premises or in areas within premises where  
14 the principal use is for the retail sale of alcoholic beverages pursuant  
15 to the "New Jersey Alcoholic Beverage Control Act," R.S.33:1-1 et  
16 seq., or for the retail sale of tobacco; or where access by persons  
17 under the age of 18 years is prohibited by law, including but not  
18 limited to premises for casino gaming pursuant to the "Casino Control  
19 Act," P.L.1977, c.110 (C.5:12-1 et seq.). Where permitted, tobacco  
20 vending machines on all these premises shall be placed inside and at  
21 least 20 feet from the entrance to the premises.

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23 2. a. A tobacco vending machine used in violation of this act may  
24 be sealed or seized and forfeited to the municipality in which such  
25 violation occurred subject to the limitations of N.J.S.2C:64-5; except  
26 that the forfeiture shall not become effective until the municipality  
27 notifies in writing the owner of the vending machine and posts a notice  
28 on the machine stating that unless the machine is removed within 72  
29 hours of the posting of the notice and any daily fines imposed are paid,  
30 forfeiture shall occur. Ninety days after forfeiture, the municipality  
31 may sell the vending machine at a public auction, after giving notice of  
32 the sale by certified mail to the owner, if his name and address is  
33 known, and by publication at least five days before the date of sale in  
34 one newspaper circulating in the municipality in which the machine is  
35 to be sold.



1 private social clubs for adults, tobacco shops, bars including bar areas  
2 of restaurants, casinos, and liquor stores. These are locations where  
3 minors are not normally present.

4 Local boards of health and law enforcement authorities are given  
5 responsibility for enforcing any penalties imposed in the bill. As an  
6 incentive for local enforcement, fines levied on violators would be paid  
7 to the municipality.

8 Because nicotine is addictive, a minor who starts smoking is likely  
9 to become a lifelong smoker. It is estimated that smoking is  
10 responsible for more than 300,000 deaths annually in the United  
11 States, representing about 15 percent of all mortality, according to the  
12 United States Department of Health and Human Services. Many of  
13 these deaths might be prevented if tobacco products were less readily  
14 available to children in their formative years.

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19 Prohibits sale of tobacco products in vending machines with certain  
20 exceptions.