

ASSEMBLY, No. 2373

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 26, 1996

By Assemblyman O'TOOLE

1 AN ACT requiring disclosure of certain information relating to tobacco  
2 products and supplementing Title 24 of the Revised Statutes.

3

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

6

7 1. a. A manufacturer of cigarettes, snuff or chewing tobacco sold  
8 in this State shall provide the Department of Health and Senior  
9 Services with an annual report, in a form and manner specified by the  
10 Commissioner of Health and Senior Services, which lists for each  
11 brand of tobacco product sold, the following information:

12 (1) The identity of any added constituent other than tobacco, water  
13 or reconstituted tobacco sheet made wholly from tobacco, to be listed  
14 in descending order according to weight, measure or numerical count;  
15 and

16 (2) The nicotine yield ratings, which shall accurately predict  
17 nicotine intake for average consumers, based on standards established  
18 by the department.

19 b. The nicotine yield ratings provided pursuant to paragraph (2) of  
20 subsection a. of this section and any other information in the annual  
21 report with respect to which the department determines that there is  
22 a reasonable scientific basis for concluding that the availability of the  
23 information could reduce risks to public health, shall be considered a  
24 public record, except that, before the department provides any public  
25 disclosure of the information, the department shall request the advice  
26 of the Attorney General whether the disclosure would constitute an  
27 unconstitutional taking of property, and shall not disclose the  
28 information until the Attorney General advises that the disclosure  
29 would not constitute an unconstitutional taking.

30 c. The provisions of this section shall not require a manufacturer,  
31 in its report to the department, or otherwise, to identify or disclose the  
32 specific amount of any ingredient that has been approved by the Food  
33 and Drug Administration in the United States Department of Health  
34 and Human Services as safe when burned and inhaled, or that has been  
35 designated by the Food and Drug Administration as generally  
36 recognized as safe when burned and inhaled, according to the  
37 Generally Recognized As Safe list of the Food and Drug

1 Administration.

2

3 2. The Commissioner of Health and Senior Services, pursuant to  
4 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
5 seq.), shall adopt rules and regulations necessary to carry out the  
6 purposes of this act.

7

8 3. This act shall take effect January 1, 1997.

9

10

11

#### STATEMENT

12

13 This bill requires a manufacturer of cigarettes, snuff or chewing  
14 tobacco sold in this State to provide the Department of Health and  
15 Senior Services with an annual report, in a form and manner specified  
16 by the Commissioner of Health and Senior Services, which lists for  
17 each brand of tobacco product sold, the following information:

18 a. The identity of any added constituent other than tobacco, water  
19 or reconstituted tobacco sheet made wholly from tobacco, to be listed  
20 in descending order according to weight, measure or numerical count;  
21 and

22 b. The nicotine yield ratings, which shall accurately predict nicotine  
23 intake for average consumers, based on standards established by the  
24 department.

25 The nicotine yield ratings provided to the department and any other  
26 information in the annual report with respect to which the department  
27 determines that there is a reasonable scientific basis for concluding that  
28 the availability of the information could reduce risks to public health,  
29 shall be considered a public record, except that, before the department  
30 provides any public disclosure of the information, the department shall  
31 request the advice of the Attorney General whether the disclosure  
32 would constitute an unconstitutional taking of property, and shall not  
33 disclose the information until the Attorney General advises that the  
34 disclosure would not constitute an unconstitutional taking.

35 The bill also provides that it shall not require a manufacturer, in its  
36 report to the department or otherwise, to identify or disclose the  
37 specific amount of any ingredient that has been approved by the Food  
38 and Drug Administration (FDA) as safe when burned and inhaled, or  
39 that has been designated by the FDA as generally recognized as safe  
40 when burned and inhaled, according to the Generally Recognized As  
41 Safe list of the FDA.

42 The provisions of this bill are based on a recently enacted statute in  
43 Massachusetts.

1

---

2

3 Requires tobacco products manufacturers to disclose certain  
4 information to Department of Health and Senior Services about the  
5 contents of the products.