

SENATE, No. 969

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator SINAGRA

1 AN ACT concerning cigarette vending machines and supplementing  
2 P.L.1948, c.65 (C.54:40A-1 et seq.) and Title 26 of the Revised  
3 Statutes.

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

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8 1. a. A retail dealer operating a cigarette vending machine licensed  
9 pursuant to section 202 of P.L.1948, c.65 (C.54:40A-4) shall not sell  
10 any beverage or food product including, but not limited to, soft drinks,  
11 juice, candy, chewing gum or other snack foods, in a vending machine  
12 that sells cigarettes.

13 b. The Department of the Treasury shall notify all persons holding  
14 or applying for a cigarette vending machine license at the time of  
15 license renewal or application for a new license, as the case may be,  
16 that a vending machine licensed to sell cigarettes shall not be permitted  
17 to sell any beverage or food product if cigarettes are also sold from  
18 the same machine.

19 c. Notwithstanding the provisions of this section to the contrary,  
20 the prohibition on the sale of beverage or food products in a vending  
21 machine that sells cigarettes shall not apply to a vending machine in a  
22 workplace that is not ordinarily open or accessible to the public.

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24 2. A retail dealer operating a cigarette vending machine in violation  
25 of this act is liable to a civil penalty of \$500 for the first offense and  
26 \$1,000 for the second and each subsequent offense, for each day the  
27 violation continues.

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29 3. a. A penalty recovered under the provisions of P.L. , c.  
30 (C. )(pending before the Legislature as this bill) shall be recovered  
31 by and in the name of the local board of health. The penalty shall be  
32 paid into the treasury of the municipality where the violation occurred,  
33 but shall be appropriated to the local board of health for use by the  
34 local health agency in enforcing the prohibition on sale and commercial  
35 distribution of tobacco products to persons under the age of 18 years.

36 b. A municipal court shall have jurisdiction over proceedings to  
37 enforce and collect any penalty imposed because of a violation of the

1 provisions of P.L. , c. (C. )(pending before the Legislature as this  
2 bill), if the violation has occurred within the territorial jurisdiction of  
3 the court. The proceedings shall be summary and in accordance with  
4 "the penalty enforcement law," N.J.S.2A:58-1 et seq. Process shall be  
5 in the nature of a summons or warrant and shall issue by the local  
6 board of health or the municipal law enforcement authority.

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8 4. This act shall take effect on the 60th day after enactment.  
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11 STATEMENT  
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13 This bill prohibits the sale of any beverage or food product,  
14 including soft drinks, juices, snack foods and candy, from a vending  
15 machine that sells cigarettes.

16 A retail dealer operating a cigarette vending machine in violation of  
17 this bill is liable to a civil penalty of \$500 for the first offense and  
18 \$1,000 for the second and each subsequent offense, for each day the  
19 violation continues. The provisions of the bill will be enforced by local  
20 boards of health, and any penalties recovered under the bill shall be  
21 paid to the municipality for use by the local health agency for  
22 enforcement of the State prohibition on the sale of tobacco products  
23 to persons under 18 years of age.

24 While the practice of combining the sale of cigarettes and beverages  
25 or snack foods from the same vending machine is not that common in  
26 the State, there are vending machines in some locations that do  
27 combine the sale of these products. Minors are accustomed to buying  
28 beverages and snack foods from vending machines and since State law  
29 prohibits the sale of tobacco products to persons under 18 years of  
30 age, it is appropriate that State policy prohibit such combined sales so  
31 as not to provide any inducement to minors purchasing beverages or  
32 snack foods to purchase cigarettes from the vending machine, as well.  
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37 Prohibits sale of snack foods and cigarettes from same vending  
38 machine.