

SENATE, No. 2080

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1997

By Senator SINAGRA

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

1 Generally Recognized As Safe list of the Food and Drug
2 Administration.

3

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

8

9 3. This act shall take effect January 1, 1998.

10

11

12

STATEMENT

13

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

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

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

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

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

43 The provisions of this bill are based on a recently enacted statute in
44 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.