

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 4114

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 4114.

This bill requires any entity that sells, offers for sale, or distributes for commercial purpose any tobacco product to maintain a stock of, and offer for retail sale, at least one type of nicotine replacement therapy drug, device, or combination product that has been approved by the federal Food and Drug Administration for cessation of tobacco use pursuant to the “Federal Food, Drug, and Cosmetic Act,” 21 U.S.C. s.301 et seq. This requirement will not apply to cigar shops, which are defined under the bill to mean retail establishments wherein the only tobacco products and products related to tobacco use that are available for sale or commercial distribution are cigars and cigar accessories.

An entity that is subject to these requirements will have the discretion to determine the number and type of nicotine replacement therapy products that the entity will stock and offer for sale, as well as the quantity of the product that is stocked and offered for sale and whether the entity will stock and offer for sale more than one type of nicotine replacement therapy product. All nicotine replacement therapy products offered for retail sale are to be displayed in a location that is behind the sales counter.

An entity that sells out of the entity’s full stock of nicotine replacement therapy products will have five business days to place an order for a new stock of nicotine replacement therapy products, and will have 14 days from the date the entity sells its last nicotine replacement therapy product to again stock and offer for retail sale a nicotine replacement therapy product.

The entity will be required to additionally display: 1) printed notice that nicotine replacement therapy products are available for retail sale at that location; and 2) the official logo, phone number, and Internet address of the NJ Smoking Quitline or a successor program. The Commissioner of Health may establish requirements concerning how and where these materials are to be displayed, as well as requirements concerning the size and other characteristics of the materials.