



**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes 6/1/2017  
6/22/2017

**VETO MESSAGE:**

Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government  
Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"Christie signs measures on birth control supply and anti-smoking funds," South Jersey Times, December 18, 2017

"Christie signs bills on birth control supply and anti-smoking funds," The Star-Ledger, December 18, 2017

"Christie inks birth control, anti-smoking legislation," The Times, December 18, 2017

"One Percent of NJ Tobacco Tax Revenue Will Go to Anti-Smoking Initiatives," Observer, December 15, 2017

RH/CL

P.L.2017, CHAPTER 242, *approved December 15, 2017*  
Assembly, No. 3338 (*Second Reprint*)

1 AN ACT concerning the disposition of certain cigarette <sup>1</sup>and other  
2 tobacco products<sup>1</sup> tax revenues and amending P.L.1997, c.264.

3

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

6

7 1. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended  
8 to read as follows:

9 4. Notwithstanding the provisions of any other law to the  
10 contrary,

11 a. commencing July 1, 1998 and ending June 30, 2006: after  
12 the deposit required pursuant to section 5 of P.L.1982, c.40  
13 (C.54:40A-37.1), the first \$150,000,000 of revenue collected  
14 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
15 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
16 \$5,000,000 of revenue collected annually from the "Tobacco  
17 Products Wholesale Sales and Use Tax Act," P.L.1990, c.39  
18 (C.54:40B-1 et seq.), shall be deposited into the Health Care  
19 Subsidy Fund established pursuant to section 8 of P.L.1992, c.160  
20 (C.26:2H-18.58); and the next \$390,000,000 of revenue collected  
21 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
22 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated  
23 annually for health programs, and the next \$50,000,000 of revenue  
24 collected annually from the **【cigarette tax imposed pursuant to】**  
25 “Cigarette Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) shall be  
26 appropriated annually to the New Jersey Economic Development  
27 Authority for payment of debt service incurred by the authority for  
28 school facilities projects and in fiscal years commencing July 1,  
29 2002 and July 1, 2003, the next \$30,000,000 of revenue collected  
30 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
31 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) shall be directed to  
32 the Department of Health to fund anti-smoking initiatives, except  
33 that the amount shall be \$40,000,000 in the fiscal year commencing  
34 July 1, 2004 and \$45,000,000 in the fiscal year commencing July 1,  
35 2005; and

36 b. commencing with fiscal years beginning on and after July 1,  
37 2006, after the deposit required pursuant to section 5 of P.L.1982,  
38 c.40 (C.54:40A-37.1), the first \$150,000,000 of revenue collected

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

**Matter underlined thus is new matter**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AAP committee amendments adopted October 27, 2016.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations July 31, 2017.

1 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
 2 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
 3 \$5,000,000 of revenue collected annually from the "Tobacco  
 4 Products Wholesale Sales and Use Tax Act," P.L.1990, c.39  
 5 (C.54:40B-1 et seq.), shall be deposited into the Health Care  
 6 Subsidy Fund established pursuant to section 8 of P.L.1992, c.160  
 7 (C.26:2H-18.58). In addition, commencing with fiscal years  
 8 beginning on and after July 1, 2006 but before July 1, 2009, there  
 9 shall be deposited \$215,000,000 of revenue collected annually from  
 10 the **【cigarette tax imposed pursuant to】** “Cigarette Tax Act,”  
 11 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
 12 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20), and,  
 13 commencing with fiscal years beginning on and after July 1, 2009,  
 14 there shall be deposited \$241,500,000 of revenue collected annually  
 15 from the **【cigarette tax imposed pursuant to】** “Cigarette Tax Act,”  
 16 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
 17 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20). In  
 18 addition, commencing with fiscal years beginning on and after July  
 19 1, <sup>2</sup>**【2016】 2017<sup>1</sup>】 2018<sup>2</sup>**, an amount equal to <sup>1</sup>**【five】 one<sup>1</sup>**  
 20 percent of the total revenues collected annually from the “Cigarette  
 21 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the “Tobacco  
 22 Products Wholesale Sales and Use Tax Act," P.L.1990, c.39  
 23 (C.54:40B-1 et seq.) shall be directed to the Department of Health  
 24 to fund <sup>1</sup>**【anti-smoking initiatives】** and implement evidence-based  
 25 tobacco control programs that align with the federal Centers for  
 26 Disease Control and Prevention Best Practices for Comprehensive  
 27 Tobacco Control Programs and that include the goals of preventing  
 28 youth initiation of tobacco usage, reducing exposure to secondhand  
 29 smoke, and promotion of cessation. Funding priority shall be given  
 30 to programs that aim to reduce the incidence of smoking among the  
 31 State’s Medicaid population and youth<sup>1</sup> .  
 32 (cf: P.L.2012, c.17, s.226)

33  
 34 2. This act shall take effect on July 1, <sup>2</sup>**【2016】 2017<sup>1</sup>】**  
 35 2018<sup>2</sup>.  
 36  
 37  
 38  
 39

40 \_\_\_\_\_  
 41 Dedicates one percent of cigarette and other tobacco products tax  
 revenues to anti-smoking initiatives.

# ASSEMBLY, No. 3338

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 22, 2016

**Sponsored by:**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Holley, Daniels, Assemblywoman Quijano, Assemblymen Chiaravalloti, S.Kean, Assemblywoman Jones, Assemblymen Caputo, Singleton, Ciattarelli and McKeon**

**SYNOPSIS**

Dedicates five percent of cigarette tax revenue to anti-smoking initiatives.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 10/28/2016)

1 AN ACT concerning the disposition of certain cigarette tax revenue  
2 and amending P.L.1997, c.264.

3

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

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7 1. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended  
8 to read as follows:

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15 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
16 \$5,000,000 of revenue collected annually from the "Tobacco  
17 Products Wholesale Sales and Use Tax Act," P.L.1990, c.39  
18 (C.54:40B-1 et seq.), shall be deposited into the Health Care  
19 Subsidy Fund established pursuant to section 8 of P.L.1992, c.160  
20 (C.26:2H-18.58); and the next \$390,000,000 of revenue collected  
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25 “Cigarette Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) shall be  
26 appropriated annually to the New Jersey Economic Development  
27 Authority for payment of debt service incurred by the authority for  
28 school facilities projects and in fiscal years commencing July 1,  
29 2002 and July 1, 2003, the next \$30,000,000 of revenue collected  
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34 July 1, 2004 and \$45,000,000 in the fiscal year commencing July 1,  
35 2005; and

36 b. commencing with fiscal years beginning on and after July 1,  
37 2006, after the deposit required pursuant to section 5 of P.L.1982,  
38 c.40 (C.54:40A-37.1), the first \$150,000,000 of revenue collected  
39 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
40 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
41 \$5,000,000 of revenue collected annually from the "Tobacco  
42 Products Wholesale Sales and Use Tax Act," P.L.1990, c.39  
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44 Subsidy Fund established pursuant to section 8 of P.L.1992, c.160  
45 (C.26:2H-18.58). In addition, commencing with fiscal years  
46 beginning on and after July 1, 2006 but before July 1, 2009, there

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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3 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
4 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20), and,  
5 commencing with fiscal years beginning on and after July 1, 2009,  
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8 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
9 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20). In  
10 addition, commencing with fiscal years beginning on and after July  
11 1, 2016, an amount equal to five percent of the total revenues  
12 collected annually from the “Cigarette Tax Act,” P.L.1948, c.65  
13 (C.54:40A-1 et seq.) and the “Tobacco Products Wholesale Sales  
14 and Use Tax Act,” P.L.1990, c.39 (C.54:40B-1 et seq.) shall be  
15 directed to the Department of Health to fund anti-smoking  
16 initiatives.  
17 (cf: P.L.2012, c.17, s.226)

18

19 2. This act shall take effect on July 1, 2016.

20

21

22

## STATEMENT

23

24 This bill would dedicate five percent of the total revenue from  
25 the State cigarette tax to anti-smoking programs operated by the  
26 Department of Health, beginning in fiscal year 2017. These  
27 programs received their highest level of annual funding in 2001 to  
28 2003, but were gradually reduced over time, and were eliminated  
29 from the State budget beginning in FY 2012. Based on current  
30 projections of revenue, this would provide approximately \$33  
31 million for anti-smoking programs in FY 2017.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3338**

**STATE OF NEW JERSEY**

DATED: MARCH 7, 2016

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 3338.

This bill dedicates five percent of the total revenue from the State cigarette tax to anti-smoking programs operated by the Department of Health, beginning in fiscal year 2017. These programs received their highest level of annual funding in 2001 to 2003, but were gradually reduced over time, and were eliminated from the State budget beginning in FY 2012. Based on current projections of revenue, this would provide approximately \$33 million for anti-smoking programs in FY 2017.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3338**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 27, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3338, with committee amendments.

As amended, this bill dedicates one percent of the total revenue from the State cigarette tax and the tobacco products wholesale tax to anti-smoking programs operated by the Department of Health. The bill requires that programs funded by the dedicated revenue be evidence-based tobacco control programs that align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. The bill requires that funding priority be given to programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The anti-smoking programs operated by the Department of Health received their highest level of annual funding in 2001 to 2003, but were gradually reduced over time, and were eliminated from the State budget beginning in FY 2012. Based on current projections of revenue, this would provide approximately \$6.7 million for anti-smoking programs in FY 2018.

#### FISCAL IMPACT:

Based on FY 2016 combined revenues of approximately \$695 million from cigarette and tobacco products wholesale tax receipts, the Office of Legislative Services (OLS) estimates that a one percent dedication would initially result in the dedication of approximately \$6 million to \$7 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. The OLS anticipates that amount would likely decline over time due to reduced cigarette and other tobacco product consumption.

The OLS notes that future annual appropriations acts can modify or temporarily override directives made in general and permanent statutes to appropriate money or distribute statutorily dedicated revenues.

COMMITTEE AMENDMENTS:

The amendments change the percentage of revenues dedicated to anti-smoking programs from five percent to one percent, and change the effective date to July 1, 2017. The amendments also add language that specifies the types and goals of the tobacco control programs that are to be funded and implemented by the Department of Health with the dedicated funds, and that requires that the programs align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs, and that requires that funding priority be given to programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The amendments also change the title and synopsis to more accurately reflect that the dedicated revenues are from the taxes imposed pursuant to the "Cigarette Tax Act" and the "Tobacco Products Wholesale Sales and Use Tax Act."

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3338**

# **STATE OF NEW JERSEY**

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3338 (1R).

This bill provides for the statutory dedication of one percent of the total revenues collected annually from the cigarette tax and the tobacco products wholesale sales and use tax to the Department of Health to fund and implement certain tobacco control programs.

The bill requires that programs funded by the dedicated revenue be evidence-based tobacco control programs that align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. The bill requires that funding priority be given to those programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The bill takes effect on July 1, 2017, and provides for the dedication of revenues to commence with fiscal years beginning on and after that date.

As reported, this bill is identical to Senate Bill No. 862 (1R), as amended and reported by the committee.

### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that in the first few years following enactment, the bill will result in the annual dedication of approximately \$6.0 million to \$7.0 million of State General Fund revenues, based on current OLS revenue projections that indicate combined revenues from the cigarette tax and the tobacco products wholesale sales and use tax may total \$709.8 million in FY 2017.

However, the OLS notes that in the out years, estimates of dedicated revenues that are expected to result from this bill are likely to decline due to reduced tobacco consumption. This expectation is based on historical collection patterns that suggest revenues from these taxes have declined year-over-year by approximately 2.5 percent, absent an estimated 1.8 percent year-over-year increase in the amounts

that are expected to be collected in FY 2017 over similar amounts collected in the prior fiscal year.

In addition, the OLS notes that the statutory dedication provided by the bill is subject to the annual appropriations act. Language provisions included in future annual appropriations acts can modify or temporarily override directives made in general laws to appropriate money or distribute certain dedicated revenues for other specified purposes.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3338

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: NOVEMBER 2, 2016

#### SUMMARY

**Synopsis:** Dedicates one percent of cigarette tax revenue to anti-smoking initiatives.

**Type of Impact:** Annual statutory dedication of State General Fund revenues.

**Agencies Affected:** Department of the Treasury and Department of Health.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2017</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>
<b>Annual Statutory Dedication of State Revenue</b>	\$6.8 million	\$6.6 million	\$6.4 million

- Based on FY 2016 revenues of approximately \$695 million from cigarette and tobacco products wholesale tax receipts, the Office of Legislative Services (OLS) estimates that a one percent statutory dedication would initially result in the dedication of approximately \$6 million to \$7 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. That amount would likely decline over time due to reduced cigarette and other tobacco product consumption.
- The OLS further notes that future annual appropriations acts can modify or temporarily override directives made in general and permanent statutes to appropriate money or distribute certain dedicated revenues.

#### BILL DESCRIPTION

Assembly Bill No. 3338 (1R) of 2016 provides for an annual statutory dedication of one percent of the total revenues from the State cigarette tax and the tobacco products wholesale tax to the Department of Health for anti-smoking initiatives. Anti-smoking initiatives have not been funded in the State budget since FY 2012.

In FY 2016, cigarette and tobacco products wholesale tax receipts were approximately \$695 million. Of the \$695 million collected in revenue, \$396.5 million was statutorily dedicated to the Health Care Subsidy Fund (HCSF), \$107.8 million was statutorily dedicated and appropriated by the annual FY 2016 Appropriations Act for debt service, and the remaining revenue was deposited into the State General Fund.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Based on FY 2016 revenues of approximately \$695 million from cigarette and tobacco products wholesale tax receipts, the OLS estimates that a one percent statutory dedication would initially result in the dedication of approximately \$6 million to \$7 million of State General Fund revenues annually to the Department of Health for anti-smoking initiatives. The OLS anticipates that amount would likely decline over time due to reduced cigarette and other tobacco product consumption. The OLS further notes that future annual appropriations acts can modify or temporarily override directives made in general and permanent statutes to appropriate money or distribute certain dedicated revenues.

Cigarette and tobacco products wholesale tax collections reached approximately \$695 million in FY 2016; however, the \$695 million in collections reflects an estimated 2.6 percent year-over-year decline since FY 2013 when collections totaled approximately \$753.8 million. If future collections were to continue to decline at a rate of 2.6 percent, total collections would be an estimated \$678.8 million in FY 2017, \$661.1 million in FY 2018, and \$644.0 million in FY 2019. Based on the estimates derived from a continuous 2.6 percent decline of cigarette and tobacco products wholesale tax receipts for future fiscal years, the OLS projects the one percent annual statutory dedication to be approximately \$6.8 million in FY 2017, 6.6 million in FY 2018, and \$6.4 million in FY 2019.

The OLS notes that changes in cigarette and other tobacco product consumption would impact collections, thus impacting the annual statutory dedication. The OLS further notes that future annual appropriations acts could modify or temporarily override the annual statutory dedication which may limit the impact of the bill.

*Section: Revenue, Finance and Appropriations*  
*Analyst: Jordan DiGiovanni*  
*Assistant Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 3338

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 12, 2017

#### SUMMARY

- Synopsis:** Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives.
- Type of Impact:** Annual statutory dedication of State General Fund revenues.
- Agencies Affected:** Department of the Treasury and Department of Health.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
<b>Annual Statutory Dedication of State Revenue</b>	\$6.7 million	\$6.5 million	\$6.3 million

- Based on preliminary FY 2017 revenues of approximately \$705.0 million from the cigarette tax and the tobacco products wholesale sales and use tax combined, the Office of Legislative Services (OLS) estimates that a one-percent statutory dedication would initially result in the dedication of approximately \$6.0 million to \$7.0 million of State General Fund revenues annually to the Department of Health for anti-smoking initiatives. The dedicated amount would likely decline over time due to historical diminishing trends in the consumption of cigarettes and other tobacco products.
- According to the Department of Health, annual State expenditures on anti-smoking programs currently approximate \$9.3 million from a combination of State and federal funds. The bill's statutory dedication would establish a minimum amount that the State would spend annually on anti-smoking programs out of State funds. Given the absence of information on the mix of State and federal funding currently supporting such programs, the OLS cannot determine whether the statutory dedication would increase combined State and federal funding for anti-smoking programs.

## **BILL DESCRIPTION**

Assembly Bill No. 3338 (2R) of 2016 provides for an annual statutory dedication of one percent of the total revenues from the State cigarette tax and the tobacco products wholesale sales and use tax to the Department of Health for anti-smoking initiatives.

The bill requires that programs funded by the dedicated revenue be evidence-based tobacco control programs that align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. The bill requires that funding priority be given to those programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The bill takes effect on July 1, 2018 and provides for the dedication of revenues to commence with fiscal years beginning on and after that date.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Based on preliminary FY 2017 revenues of approximately \$705.0 million from the cigarette tax and the tobacco products wholesale sales and use tax combined, the OLS estimates that a one-percent statutory dedication would initially result in the dedication of approximately \$6.0 million to \$7.0 million of State General Fund revenues annually to the Department of Health for anti-smoking initiatives. The dedicated amount would likely decline over time due to historical diminishing trends in the consumption of cigarettes and other tobacco products.

Cigarette and tobacco products wholesale tax collections approximated \$705.0 million in FY 2017, a 1.3 percent increase over FY 2016. The OLS notes, however, that this increase represents a divergence from recent trends experienced with these taxes, which have historically declined by approximately 2.6 percent year-over-year. If future collections were to return to historical norms, the OLS estimates collections of \$668.8 million in FY 2019, \$651.4 million in FY 2020, and \$634.5 million in FY 2021. Based on the estimates derived from a return to normal year-over-year declines, the OLS projects the one-percent annual statutory dedication will equal approximately \$6.7 million in FY 2019, \$6.5 million in FY 2020, and \$6.3 million in FY 2021.

The OLS notes that collections may continue to decrease after FY 2021 if the long term decline in the consumption of cigarettes and other tobacco products persists.

In response to OLS discussion points on the FY 2018 Governor's Budget, the Department of Health indicated that State expenditures on tobacco cessation and prevention programs fluctuated in recent fiscal years, totaling \$9.4 million in FY 2016, \$9.3 million in FY 2017 (estimated) and \$10.8 million in FY 2018 (projected). The bill's statutory dedication would establish a minimum amount that the State would spend annually on anti-smoking programs out of State funds. Given the absence of information on the mix of State and federal funding currently supporting such programs, the statutory dedication could result in more or less State funds being used in support of such programs than would be the case under current law. Depending on the terms of the



federal funding currently supporting the programs, it would also be possible that the statutory dedication would prompt a reallocation of federal funds currently supporting anti-smoking programs to other public health-related purposes. Therefore, the OLS cannot determine whether the statutory dedication would increase combined State and federal funding for anti-smoking programs.

*Section: Revenue, Finance and Appropriations*

*Analyst: Jordan M. DiGiovanni  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 862

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senator Gordon**

**SYNOPSIS**

Dedicates five percent of cigarette tax revenue to anti-smoking initiatives.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/9/2016)**

1 AN ACT concerning the disposition of certain cigarette tax revenue  
2 and amending P.L.1997, c.264.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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14 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
15 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
16 \$5,000,000 of revenue collected annually from the "Tobacco  
17 Products Wholesale Sales and Use Tax Act," P.L.1990,  
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19 Subsidy Fund established pursuant to section 8 of P.L.1992,  
20 c.160 (C.26:2H-18.58); and the next \$390,000,000 of revenue  
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22 “Cigarette Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) shall be  
23 appropriated annually for health programs, and the next  
24 \$50,000,000 of revenue collected annually from the **【cigarette tax**  
25 **imposed pursuant to】** “Cigarette Tax Act,” P.L.1948,  
26 c.65 (C.54:40A-1 et seq.) shall be appropriated annually to the New  
27 Jersey Economic Development Authority for payment of debt  
28 service incurred by the authority for school facilities projects and in  
29 fiscal years commencing July 1, 2002 and July 1, 2003, the next  
30 \$30,000,000 of revenue collected annually from the **【cigarette tax**  
31 **imposed pursuant to】** “Cigarette Tax Act,” P.L.1948,  
32 c.65 (C.54:40A-1 et seq.) shall be directed to the Department of  
33 Health to fund anti-smoking initiatives, except that the amount  
34 shall be \$40,000,000 in the fiscal year commencing July 1, 2004  
35 and \$45,000,000 in the fiscal year commencing July 1, 2005; and

36 b. commencing with fiscal years beginning on and after July 1,  
37 2006, after the deposit required pursuant to section 5 of P.L.1982,  
38 c.40 (C.54:40A-37.1), the first \$150,000,000 of revenue collected  
39 annually from the **【cigarette tax imposed pursuant to】** “Cigarette  
40 Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.) and the first  
41 \$5,000,000 of revenue collected annually from the "Tobacco  
42 Products Wholesale Sales and Use Tax Act," P.L.1990,  
43 c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care  
44 Subsidy Fund established pursuant to section 8 of P.L.1992,

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 c.160 (C.26:2H-18.58). In addition, commencing with fiscal years  
2 beginning on and after July 1, 2006 but before July 1, 2009, there  
3 shall be deposited \$215,000,000 of revenue collected annually from  
4 the [cigarette tax imposed pursuant to] “Cigarette Tax Act,”  
5 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
6 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20), and,  
7 commencing with fiscal years beginning on and after July 1, 2009,  
8 there shall be deposited \$241,500,000 of revenue collected annually  
9 from the [cigarette tax imposed pursuant to] “Cigarette Tax Act,”  
10 P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the  
11 provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20). In  
12 addition, commencing with fiscal years beginning on and after July  
13 1, 2015, an amount equal to five percent of the total revenues  
14 collected annually from the “Cigarette Tax Act,” P.L.1948,  
15 c.65 (C.54:40A-1 et seq.) and the “Tobacco Products Wholesale  
16 Sales and Use Tax Act,” P.L.1990, c.39 (C.54:40B-1 et seq.) shall  
17 be directed to the Department of Health to fund anti-smoking  
18 initiatives.  
19 (cf: P.L.2012, c.17, s.226)

20

21 2. This act shall take effect on July 1, 2015.

22

23

24

STATEMENT

25

26 This bill would dedicate five percent of the total revenue from  
27 the State cigarette tax to anti-smoking programs operated by the  
28 Department of Health. These programs received their highest level  
29 of annual funding in 2001 to 2003, but were gradually reduced over  
30 time, and were eliminated from the State budget beginning in FY  
31 2012. Based on current projections of revenue, this would provide  
32 approximately \$33 million for anti-smoking programs in FY 2016.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 862**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 8, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 862.

As amended by the committee, this bill would dedicate one percent of the total revenue from the State cigarette tax and the tobacco products wholesale tax to anti-smoking programs operated by the Department of Health. These programs received their highest level of annual funding in 2001 to 2003, but were gradually reduced over time, and were eliminated from the State budget beginning in FY 2012. Based on current projections of revenue, this would provide approximately \$6.7 million for anti-smoking programs in FY 2018.

The committee amended the bill to change the percentage of revenue dedicated to anti-smoking programs from five percent to one percent, and to change the effective date to July 1, 2017.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 862

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 862 (1R), with committee amendments.

As amended, this bill provides for the statutory dedication of one percent of the total revenues collected annually from the cigarette tax and the tobacco products wholesale sales and use tax to the Department of Health to fund and implement certain tobacco control programs.

The bill requires that programs funded by the dedicated revenue be evidence-based tobacco control programs that align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. The bill requires that funding priority be given to those programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The bill takes effect on July 1, 2017, and provides for the dedication of revenues to commence with fiscal years beginning on and after that date.

As amended and reported, this bill is identical to Assembly Bill No. 3338 (1R), as also reported by the committee.

### COMMITTEE AMENDMENTS:

The amendments specify the types and goals of the tobacco control programs that are to be funded and implemented by the Department of Health with the revenues dedicated by the bill, and require that funding priority be given to those programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The amendments also change the title and synopsis of the bill to clarify that the dedicated revenues consist of revenues collected annually from the cigarette tax and the tobacco products wholesale sales and use tax.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates that in the first few years following enactment, the bill will result in the annual dedication of approximately \$6.0 million to \$7.0 million of State General Fund revenues, based on current OLS revenue projections that indicate combined revenues from the cigarette tax and the tobacco products wholesale sales and use tax may total \$709.8 million in FY 2017.

However, the OLS notes that in the out years, estimates of dedicated revenues that are expected to result from this bill are likely to decline due to reduced tobacco consumption. This expectation is based on historical collection patterns that suggest revenues from these taxes have declined year-over-year by approximately 2.5 percent, absent an estimated 1.8 percent year-over-year increase in the amounts that are expected to be collected in FY 2017 over similar amounts collected in the prior fiscal year.

In addition, the OLS notes that the statutory dedication provided by the bill is subject to the annual appropriations act. Language provisions included in future annual appropriations acts can modify or temporarily override directives made in general laws to appropriate money or distribute certain dedicated revenues for other specified purposes.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 862

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 1, 2017

#### SUMMARY

- Synopsis:** Dedicates one percent of cigarette tax revenue to anti-smoking initiatives.
- Type of Impact:** Annual statutory dedication of State General Fund revenues.
- Agencies Affected:** Department of the Treasury and Department of Health.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>
<b>Annual Statutory Dedication of State Revenue</b>	\$7.0 million	\$6.9 million	\$6.7 million

- Based on the Office of Legislative Services' (OLS) projection of \$709.8 million for combined FY 2017 cigarette tax and tobacco products wholesale tax revenues, the OLS estimates that a one percent statutory dedication would in the first few years following enactment result in the dedication of \$6.0 million to \$7.0 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. That amount would likely decline over time due to historic annual trends in the consumption of cigarettes and other tobacco products.
- According to the Department of Health, State expenditures on anti-smoking approximate \$9.3 million from a combination of state and federal funds. Statutory dedication could in some future fiscal year cause State expenditures to be at higher levels than would otherwise occur, if federal funds currently supporting anti-smoking programs become unavailable.

#### BILL DESCRIPTION

Senate Bill No. 862 (1R) of 2016 provides for an annual statutory dedication of one percent of the total revenues from the State cigarette tax and the tobacco products wholesale tax to the



Department of Health for anti-smoking initiatives. Anti-smoking initiatives have not been funded in the State budget since FY 2012.

Based on OLS' FY 2017 projections, the cigarette tax and tobacco products wholesale tax revenues are estimated to reach a combined \$709.8 million. Of the \$709.8 million collected in revenue, \$396.5 million is set to be statutorily dedicated to the Health Care Subsidy Fund (HCSF), \$104.5 million is appropriated in the annual FY 2017 Appropriations Act for debt service, and the remaining revenue will be deposited into the State General Fund.

The bill, if enacted, would take effect on July 1, 2017.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Based on OLS' projection of \$709.8 million for combined FY 2017 cigarette tax and tobacco products wholesale tax revenues, the OLS estimates that a one percent statutory dedication would in the first few years following enactment result in the dedication of approximately \$6.0 million to \$7.0 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. That amount would likely decline over time due to a reduction in the consumption of cigarettes and other tobacco products.

Cigarette tax and tobacco products wholesale tax collections are expected to reach approximately \$709.8 million in FY 2017, an estimated 1.8 percent year-over-year increase over FY 2016. The OLS notes, however, that this projected increase represents a divergence from recent trends experienced with these taxes, which have historically declined year-over-year by approximately 2.5 percent. If future collections slowly return to historical norms, the OLS projects revenues to reach an estimated \$699.2 million in FY 2018, \$685.2 million in FY 2019, and \$668.1 million in FY 2020. Based on the estimates derived from a return to normal year-over-year declines, the OLS projects the one percent annual statutory dedication to be approximately \$7.0 million in FY 2018, \$6.9 million in FY 2019, and \$6.7 million in FY 2020.

The OLS notes that collections may continue to decrease after FY 2020 if cigarette and other tobacco product consumption declines.

In response to OLS discussion points on the Fiscal 2018 Governor's budget, the Department of Health indicated that State expenditures on tobacco cessation and prevention programs fluctuated in recent fiscal years, totaling \$9.4 million in FY 2016, \$9.3 million in FY 2017 (estimated) and \$10.8 million in FY 2018 (projected). These expenditures are from a combination of State and federal funds. Statutory dedication could in some future fiscal year cause State expenditures to be at higher levels than would otherwise occur, if federal funds currently supporting anti-smoking programs become unavailable.

*Section:* Revenue, Finance and Appropriations

*Analyst:* Jordan M. DiGiovanni  
Associate Fiscal Analyst

*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 862**

## **STATE OF NEW JERSEY 217th LEGISLATURE**

DATED: JUNE 22, 2017

### **SUMMARY**

- Synopsis:** Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives.
- Type of Impact:** Annual statutory dedication of State General Fund revenues.
- Agencies Affected:** Department of the Treasury and Department of Health.

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>
<b>Annual Statutory Dedication of State Revenue</b>	\$7.0 million	\$6.9 million	\$6.7 million

- Based on the Office of Legislative Services' (OLS) projection of \$709.8 million for combined FY 2017 cigarette tax and tobacco products wholesale sales and use tax revenues, the OLS estimates that a one-percent statutory dedication would in the first few years following enactment result in the dedication of \$6.0 million to \$7.0 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. The dedicated amount would likely decline over time due to historical diminishing trends in the consumption of cigarettes and other tobacco products.

According to the Department of Health, annual State expenditures on anti-smoking programs currently approximate \$9.3 million from a combination of State and federal funds. The bill's statutory dedication would establish a minimum amount that the State would spend annually on anti-smoking programs out of State funds. Given the absence of information on the mix of State and federal funding currently supporting such programs, the OLS cannot determine whether the statutory dedication would increase combined State and federal funding for anti-smoking programs.

## **BILL DESCRIPTION**

Senate Bill No. 862 (2R) of 2016 provides for an annual statutory dedication of one percent of the total revenues from the State cigarette tax and the tobacco products wholesale sales and use tax to the Department of Health for anti-smoking initiatives.

The bill requires that programs funded by the dedicated revenue be evidence-based tobacco control programs that align with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. The bill requires that funding priority be given to those programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

The bill takes effect on July 1, 2017 and provides for the dedication of revenues to commence with fiscal years beginning on and after that date.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Based on the OLS' projection of \$709.8 million for combined FY 2017 cigarette tax and tobacco products wholesale sales and use tax revenues, the OLS estimates that a one-percent statutory dedication would in the first few years following enactment result in the dedication of approximately \$6.0 million to \$7.0 million annually of State General Fund revenues to the Department of Health for anti-smoking initiatives. The dedicated amount would likely decline over time due to historical diminishing trends in the consumption of cigarettes and other tobacco products.

Cigarette tax and tobacco products wholesale tax collections are expected to reach approximately \$709.8 million in FY 2017, an estimated 1.8 percent year-over-year increase over FY 2016. The OLS notes, however, that this projected increase represents a divergence from recent trends experienced with these taxes, which have historically declined year-over-year by approximately 2.5 percent. If future collections slowly return to historical norms, the OLS projects revenues to reach an estimated \$699.2 million in FY 2018, \$685.2 million in FY 2019, and \$668.1 million in FY 2020. Based on the estimates derived from a return to normal year-over-year declines, the OLS projects the one-percent annual statutory dedication to be approximately \$7.0 million in FY 2018, \$6.9 million in FY 2019, and \$6.7 million in FY 2020.

The OLS notes that collections may continue to decrease after FY 2020 if the long term decline in cigarette and other tobacco product consumption persists.

In response to OLS discussion points on the FY 2018 Governor's Budget, the Department of Health indicated that State expenditures on tobacco cessation and prevention programs fluctuated in recent fiscal years, totaling \$9.4 million in FY 2016, \$9.3 million in FY 2017 (estimated) and \$10.8 million in FY 2018 (projected). The bill's statutory dedication would establish a minimum amount that the State would spend annually on anti-smoking programs out of State funds. Given the absence of information on the mix of State and federal funding currently supporting such programs, the statutory dedication could result in more or less State funds being used in support of such programs than would be the case under current law. Depending on the terms of the

federal funding currently supporting the programs, it would also be possible that the statutory dedication would prompt a reallocation of federal funds currently supporting anti-smoking programs to other public health-related purposes. Therefore, the OLS cannot determine whether the statutory dedication would increase combined State and federal funding for anti-smoking programs.

*Section: Revenue, Finance and Appropriations*

*Analyst: Jordan M. DiGiovanni  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**ASSEMBLY BILL NO. 3338**  
**(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3338 (First Reprint) with my recommendations for reconsideration.

This bill would dedicate one percent of the tax revenue collected under the Cigarette Tax Act and the Tobacco Products Wholesale Sales and Use Tax Act to the Department of Health to fund and implement anti-smoking initiatives in New Jersey.

Currently, approximately \$10 million is spent annually in New Jersey on anti-smoking initiatives, helping smokers and tobacco users quit the habit and ensuring others do not become addicted in the first place. New Jersey has the third lowest prevalence of tobacco use in the nation, and that number has consistently dropped over the years.

I am concerned by the immediate effective date of this bill. This bill would divert nearly \$7 million from the General Fund for Fiscal Year 2018. Those funds have already been dedicated through the Appropriations Act, and their loss would be an impediment to the operation of New Jersey in Fiscal Year 2018. Legislative leaders and I worked very hard to balance the budget and ensure the State will operate properly for Fiscal Year 2018. It has been the policy of this Administration for eight years not to approve supplemental appropriations without identifying how they would be specifically paid for without creating the deficit spending we inherited in 2010. We will not change that policy now.

To address this problem, I recommend simply delaying implementation of this bill by one year, so that the diversion from the General Fund will be anticipated and incorporated into

the next budget. New Jersey will be assured the benefit of even further anti-smoking initiatives, without obstructing the carefully-crafted Fiscal Year 2018 budget.

Accordingly, I herewith return Assembly Bill No. 3338 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 1, Line 13: Delete "2017" and insert "2018"

Page 3, Section 2, Line 28: Delete "2017" and insert "2018"

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ James J. DiGiulio

Chief Counsel to the Governor

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## Governor Christie Takes Action On Pending Legislation

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### BILLS SIGNED:

**A-2297wGR/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen)** - Requires health insurance coverage for contraceptives to include prescriptions for six months

**A-3338wGR/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg)** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

###

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