

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New Jersey becomes 3rd state to raise smoking age to 21," Associated Press State Wire: New Jersey, July 21, 2017

"New Jersey Raises Smoking Age to 21," Wall Street Journal, July 21, 2017

"NJ raises smoking age to 21," Observer, July 21, 2017

"Christie, in a surprise move, signs bill raising the age to buy, sell tobacco to 21, Poltico, July 21, 2017

"Christie raises NJ smoking age to 21 - Will this prevent new smokers?," New Jersey 101.5, July 21, 2017

"N.J. raises age to buy tobacco products," The Star-Ledger, July 22, 2017

"Chris Christie just did something he says will save lives," nj.com, July 22, 2017

"Governor signs law raising smoking age to 21," The Record, July 22, 2017

"Christie signs law raising age from 19 to 21 for tobacco, e-cigs," Philadelphia Inquirer, July 22, 2017

"Christie signs bill raising NJs smoking age to 21," Burlington County Times, July 23, 2017

RWH/JA

P.L.2017, CHAPTER 118, *approved July 21, 2017*
Senate, No. 359

1 AN ACT concerning the minimum age for the sale and distribution
2 of tobacco products and electronic smoking devices and revising
3 various parts of the statutory law
4

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

7

8 1. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
9 read as follows:

10 3. A person **[19]** 21 years of age or older who purchases a
11 tobacco product for a person who is under **[19]** 21 years of age is a
12 petty disorderly person.

13 (cf: P.L.2005, c.384, s.3)
14

15 2. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to
16 read as follows:

17 1. a. No person, either directly or indirectly by an agent or
18 employee, or by a vending machine owned by the person or located
19 in the person's establishment, shall sell, offer for sale, distribute for
20 commercial purpose at no cost or minimal cost or with coupons or
21 rebate offers, give or furnish, to a person under **[19]** 21 years of
22 age:

23 (1) any cigarettes made of tobacco or of any other matter or
24 substance which can be smoked, or any cigarette paper or tobacco
25 in any form, including smokeless tobacco; or

26 (2) any electronic smoking device that can be used to deliver
27 nicotine or other substances to the person inhaling from the device,
28 including, but not limited to, an electronic cigarette, cigar, cigarillo,
29 or pipe, or any cartridge or other component of the device or related
30 product.

31 b. The establishment of all of the following shall constitute a
32 defense to any prosecution brought pursuant to subsection a. of this
33 section:

34 (1) that the purchaser of the tobacco product or electronic
35 smoking device or the recipient of the promotional sample falsely
36 represented, by producing either a driver's license or non-driver
37 identification card issued by the New Jersey Motor Vehicle
38 Commission, a similar card issued pursuant to the laws of another
39 state or the federal government of Canada, or a photographic
40 identification card issued by a county clerk, that the purchaser or

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 recipient was of legal age to make the purchase or receive the
2 sample;

3 (2) that the appearance of the purchaser of the tobacco product
4 or electronic smoking device or the recipient of the promotional
5 sample was such that an ordinary prudent person would believe the
6 purchaser or recipient to be of legal age to make the purchase or
7 receive the sample; and

8 (3) that the sale or distribution of the tobacco product or
9 electronic smoking device was made in good faith, relying upon the
10 production of the identification set forth in paragraph (1) of this
11 subsection, the appearance of the purchaser or recipient, and in the
12 reasonable belief that the purchaser or recipient was of legal age to
13 make the purchase or receive the sample.

14 c. A person who violates the provisions of subsection a. of this
15 section, including an employee of a retail dealer licensee under
16 P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise
17 provides a tobacco product to a person under **[19]** 21 years of age,
18 shall be liable to a civil penalty of not less than \$250 for the first
19 violation, not less than \$500 for the second violation, and \$1,000
20 for the third and each subsequent violation. The civil penalty shall
21 be collected pursuant to the "Penalty Enforcement Law of 1999,"
22 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding
23 before the municipal court having jurisdiction. An official
24 authorized by statute or ordinance to enforce the State or local
25 health codes or a law enforcement officer having enforcement
26 authority in that municipality may issue a summons for a violation
27 of the provisions of subsection a. of this section, and may serve and
28 execute all process with respect to the enforcement of this section
29 consistent with the Rules of Court. A penalty recovered under the
30 provisions of this subsection shall be recovered by and in the name
31 of the State by the local health agency. The penalty shall be paid
32 into the treasury of the municipality in which the violation occurred
33 for the general uses of the municipality.

34 d. In addition to the provisions of subsection c. of this section,
35 upon the recommendation of the municipality, following a hearing
36 by the municipality, the Division of Taxation in the Department of
37 the Treasury may suspend or, after a second or subsequent violation
38 of the provisions of subsection a. of this section, revoke the license
39 issued under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail
40 dealer. The licensee shall be subject to administrative charges,
41 based on a schedule issued by the Director of the Division of
42 Taxation, which may provide for a monetary penalty in lieu of a
43 suspension.

44 e. A penalty imposed pursuant to this section shall be in
45 addition to any penalty that may be imposed pursuant to section 3
46 of P.L.1999, c. 90 (C.2C:33-13.1).
47 (cf: P.L.2009, c.182, s.3)

1 3. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to
2 read as follows:

3 3. a. A person who sells or gives to a person under **【19】 21**
4 years of age any cigarettes made of tobacco or of any other matter
5 or substance which can be smoked, or any cigarette paper or
6 tobacco in any form, including smokeless tobacco, or any electronic
7 smoking device that can be used to deliver nicotine or other
8 substances to the person inhaling from the device, including, but not
9 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any
10 cartridge or other component of the device or related product,
11 including an employee of a retail dealer licensee under P.L.1948,
12 c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a
13 tobacco product or electronic smoking device to a person under
14 **【19】 21** years of age, shall be punished by a fine as provided for a
15 petty disorderly persons offense. A person who has been previously
16 punished under this section and who commits another offense under
17 it may be punishable by a fine of twice that provided for a petty
18 disorderly persons offense.

19 b. The establishment of all of the following shall constitute a
20 defense to any prosecution brought pursuant to subsection a. of this
21 section:

22 (1) that the purchaser or recipient of the tobacco product or
23 electronic smoking device falsely represented, by producing either a
24 driver's license or non-driver identification card issued by the New
25 Jersey Motor Vehicle Commission, a similar card issued pursuant to
26 the laws of another state or the federal government of Canada, or a
27 photographic identification card issued by a county clerk, that the
28 purchaser or recipient was of legal age to purchase or receive the
29 tobacco product or electronic smoking device;

30 (2) that the appearance of the purchaser or recipient of the
31 tobacco product or electronic smoking device was such that an
32 ordinary prudent person would believe the purchaser or recipient to
33 be of legal age to purchase or receive the tobacco product or
34 electronic smoking device; and

35 (3) that the sale or distribution of the tobacco product or
36 electronic smoking device was made in good faith, relying upon the
37 production of the identification set forth in paragraph (1) of this
38 subsection, the appearance of the purchaser or recipient, and in the
39 reasonable belief that the purchaser or recipient was of legal age to
40 purchase or receive the tobacco product or electronic smoking
41 device.

42 c. A penalty imposed pursuant to this section shall be in
43 addition to any penalty that may be imposed pursuant to section 1
44 of P.L.2000, c.87 (C.2A:170-51.4).

45 (cf: P.L.2009, c.182, s.4)

46

47 4. Section 7 of P.L.1966, c.36 (C.26:2F-7) is amended to read
48 as follows:

1 7. (a) There is hereby established a special projects and
2 development fund which shall consist of all funds appropriated or
3 otherwise made available for the purposes set forth in this section.
4 The commissioner, with the approval of the Public Health Council,
5 may make grants from the special projects and development fund to
6 local health agencies, to hospitals, and to voluntary health agencies
7 to provide State health assistance for new health services and for
8 special health projects in order to stimulate continued development
9 of health services and to assure the citizens of New Jersey the
10 benefits of the most advanced health protection techniques.

11 (b) Except as provided in subsection (c) of this section, grants
12 from the special projects and development fund for specific
13 purposes shall be made on an annual basis for a period not in excess
14 of 5 years and such grants shall be in diminishing amounts during
15 this period. The commissioner shall determine the conditions
16 applicable to each such grant including the extent of local financial
17 participation to be required. Grants from the special projects and
18 development fund to voluntary health agencies shall not exceed
19 40% of said fund.

20 (c) (1) Grants from the special projects and development fund
21 shall be made on an annual basis to local health agencies for local
22 enforcement efforts concerning the sale and commercial distribution
23 of tobacco products to persons under the age of **[19] 21** years, in an
24 amount determined by the commissioner. The grants shall be
25 distributed based on the number of cigarette retail dealer and
26 vending machine licenses issued within a local health agency's
27 jurisdictional authority in order to ensure Statewide coverage and
28 Statewide consistency of enforcement efforts; except that the
29 commissioner may designate up to 5% of available funds, annually,
30 for incentive grants to local health agencies to enhance enforcement
31 efforts.

32 Each grant recipient shall report quarterly to the commissioner
33 on the number of compliance check inspections it has completed
34 and the results of those compliance checks. The commissioner shall
35 determine any other conditions applicable to the grants.

36 (2) Beginning in 1999, notwithstanding the provisions of
37 paragraph (1) of this subsection to the contrary, the commissioner
38 may make grants from the special projects and development fund to
39 public and private local agencies to reduce teenage use of addictive
40 substances.

41 (cf: P.L.2005, c.384, s.2)

42

43 5. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to
44 read as follows:

45 2. a. The Commissioner of Health **[and Senior Services]** is
46 authorized to enforce the provisions of section 1 of P.L.2000, c.87
47 (C.2A:170-51.4) with respect to the prohibition on the sale and
48 commercial distribution of tobacco products to persons under **[19]**

1 21 years of age. The commissioner may delegate the enforcement
2 authority provided in this section to local health agencies, subject to
3 the availability of sufficient funding. The commissioner shall
4 report quarterly to the Legislature on the enforcement program's
5 progress, use of grants awarded pursuant to section 7 of P.L.1966,
6 c.36 (C.26:2F-7), results of enforcement efforts and other matters
7 the commissioner deems appropriate.

8 b. The Department of the Treasury shall provide the
9 commissioner with information about retail tobacco dealer licensees
10 necessary to carry out the purpose of this section.

11 (cf: P.L.2005, c.384, s.4)

12

13 6. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to
14 read as follows:

15 2. Notwithstanding any other provision of law to the contrary,
16 a person to whom a license is issued pursuant to P.L.1948, c.65
17 (C.54:40A-1 et seq.) shall, as a condition of the license,
18 conspicuously post a legible sign at the point of display of the
19 tobacco products and at the point of sale. The sign, which also shall
20 be posted conspicuously on any licensed cigarette vending machine,
21 shall be at least six inches by three inches in bold letters at least
22 one-quarter inch high and shall read as follows:

23 "A person who sells or offers to sell a tobacco product to a
24 person under **[19]** 21 years of age shall pay a penalty of up to
25 \$1,000 and may be subject to a license suspension or revocation.

26 Proof of age may be required for purchase."

27 (cf: P.L.2005, c.384, s.6)

28

29 7. Section 4 of P.L.2005, c.85 (C.54:40A-49) is amended to
30 read as follows:

31 4. A person shall not engage in a retail sale of cigarettes in this
32 State unless the sale is a face-to-face sale, except that a person may
33 engage in a non-face-to-face sale of cigarettes to a person in this
34 State if the following conditions are met:

35 a. The seller has fully complied with all of the requirements of
36 the Jenkins Act, 15 U.S.C. s.375 et seq., for shipments to this State;

37 b. The seller has verified payment of, paid, or collected all
38 applicable State taxes, including the cigarette taxes imposed by the
39 "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the
40 sales or use taxes imposed by the "Sales and Use Tax Act,"
41 P.L.1966, c.30 (C.54:32B-1 et seq.), due on the cigarettes; and

42 c. The seller has, before mailing or shipping the cigarettes:

43 (1) obtained from the purchaser reliable confirmation that the
44 purchaser is at least **[19]** 21 years old and a statement by the
45 purchaser under penalty of perjury certifying the purchaser's date of
46 birth and address;

47 (2) made good faith effort to verify the information contained in
48 the certification provided by the purchaser against a commercially

1 available database or has obtained a photocopy or other image of a
2 government-issued identification bearing the purchaser's image and
3 stating the date of birth or age of the purchaser;

4 (3) received payment for the sale from the prospective purchaser
5 by a credit or debit card that has been issued in the purchaser's
6 name or by check; and

7 (4) verified that a credit or debit card used for payment has been
8 issued in the purchaser's name, and the address to which the
9 cigarettes are being shipped matches the credit or debit card
10 company's address for the cardholder.

11 Sellers taking an order for a non-face-to-face sale may request
12 that prospective purchasers provide their e-mail addresses.
13 (cf: P.L.2005, c.384, s.7)

14
15 8. This act shall take effect on the first day of the fourth month
16 next following the date of enactment.

17
18
19 _____
20
21 Raises minimum age for purchase and sale of tobacco products
22 and electronic smoking devices from 19 to 21.

SENATE, No. 359

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S359 CODEY, VITALE

2

1 AN ACT concerning the minimum age for the sale and distribution
2 of tobacco products and electronic smoking devices and revising
3 various parts of the statutory law
4

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

7
8 1. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
9 read as follows:

10 3. A person **[19]** 21 years of age or older who purchases a
11 tobacco product for a person who is under **[19]** 21 years of age is a
12 petty disorderly person.
13 (cf: P.L.2005, c.384, s.3)
14

15 2. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to
16 read as follows:

17 1. a. No person, either directly or indirectly by an agent or
18 employee, or by a vending machine owned by the person or located
19 in the person's establishment, shall sell, offer for sale, distribute for
20 commercial purpose at no cost or minimal cost or with coupons or
21 rebate offers, give or furnish, to a person under **[19]** 21 years of
22 age:

23 (1) any cigarettes made of tobacco or of any other matter or
24 substance which can be smoked, or any cigarette paper or tobacco
25 in any form, including smokeless tobacco; or

26 (2) any electronic smoking device that can be used to deliver
27 nicotine or other substances to the person inhaling from the device,
28 including, but not limited to, an electronic cigarette, cigar, cigarillo,
29 or pipe, or any cartridge or other component of the device or related
30 product.

31 b. The establishment of all of the following shall constitute a
32 defense to any prosecution brought pursuant to subsection a. of this
33 section:

34 (1) that the purchaser of the tobacco product or electronic
35 smoking device or the recipient of the promotional sample falsely
36 represented, by producing either a driver's license or non-driver
37 identification card issued by the New Jersey Motor Vehicle
38 Commission, a similar card issued pursuant to the laws of another
39 state or the federal government of Canada, or a photographic
40 identification card issued by a county clerk, that the purchaser or
41 recipient was of legal age to make the purchase or receive the
42 sample;

43 (2) that the appearance of the purchaser of the tobacco product
44 or electronic smoking device or the recipient of the promotional

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 sample was such that an ordinary prudent person would believe the
2 purchaser or recipient to be of legal age to make the purchase or
3 receive the sample; and

4 (3) that the sale or distribution of the tobacco product or
5 electronic smoking device was made in good faith, relying upon the
6 production of the identification set forth in paragraph (1) of this
7 subsection, the appearance of the purchaser or recipient, and in the
8 reasonable belief that the purchaser or recipient was of legal age to
9 make the purchase or receive the sample.

10 c. A person who violates the provisions of subsection a. of this
11 section, including an employee of a retail dealer licensee under
12 P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise
13 provides a tobacco product to a person under **[19]** 21 years of age,
14 shall be liable to a civil penalty of not less than \$250 for the first
15 violation, not less than \$500 for the second violation, and \$1,000
16 for the third and each subsequent violation. The civil penalty shall
17 be collected pursuant to the "Penalty Enforcement Law of 1999,"
18 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding
19 before the municipal court having jurisdiction. An official
20 authorized by statute or ordinance to enforce the State or local
21 health codes or a law enforcement officer having enforcement
22 authority in that municipality may issue a summons for a violation
23 of the provisions of subsection a. of this section, and may serve and
24 execute all process with respect to the enforcement of this section
25 consistent with the Rules of Court. A penalty recovered under the
26 provisions of this subsection shall be recovered by and in the name
27 of the State by the local health agency. The penalty shall be paid
28 into the treasury of the municipality in which the violation occurred
29 for the general uses of the municipality.

30 d. In addition to the provisions of subsection c. of this section,
31 upon the recommendation of the municipality, following a hearing
32 by the municipality, the Division of Taxation in the Department of
33 the Treasury may suspend or, after a second or subsequent violation
34 of the provisions of subsection a. of this section, revoke the license
35 issued under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail
36 dealer. The licensee shall be subject to administrative charges,
37 based on a schedule issued by the Director of the Division of
38 Taxation, which may provide for a monetary penalty in lieu of a
39 suspension.

40 e. A penalty imposed pursuant to this section shall be in
41 addition to any penalty that may be imposed pursuant to section 3
42 of P.L.1999, c. 90 (C.2C:33-13.1).

43 (cf: P.L.2009, c.182, s.3)

44

45 3. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to
46 read as follows:

47 3. a. A person who sells or gives to a person under **[19]** 21
48 years of age any cigarettes made of tobacco or of any other matter

1 or substance which can be smoked, or any cigarette paper or
2 tobacco in any form, including smokeless tobacco, or any electronic
3 smoking device that can be used to deliver nicotine or other
4 substances to the person inhaling from the device, including, but not
5 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any
6 cartridge or other component of the device or related product,
7 including an employee of a retail dealer licensee under P.L.1948,
8 c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a
9 tobacco product or electronic smoking device to a person under
10 **[19]** 21 years of age, shall be punished by a fine as provided for a
11 petty disorderly persons offense. A person who has been previously
12 punished under this section and who commits another offense under
13 it may be punishable by a fine of twice that provided for a petty
14 disorderly persons offense.

15 b. The establishment of all of the following shall constitute a
16 defense to any prosecution brought pursuant to subsection a. of this
17 section:

18 (1) that the purchaser or recipient of the tobacco product or
19 electronic smoking device falsely represented, by producing either a
20 driver's license or non-driver identification card issued by the New
21 Jersey Motor Vehicle Commission, a similar card issued pursuant to
22 the laws of another state or the federal government of Canada, or a
23 photographic identification card issued by a county clerk, that the
24 purchaser or recipient was of legal age to purchase or receive the
25 tobacco product or electronic smoking device;

26 (2) that the appearance of the purchaser or recipient of the
27 tobacco product or electronic smoking device was such that an
28 ordinary prudent person would believe the purchaser or recipient to
29 be of legal age to purchase or receive the tobacco product or
30 electronic smoking device; and

31 (3) that the sale or distribution of the tobacco product or
32 electronic smoking device was made in good faith, relying upon the
33 production of the identification set forth in paragraph (1) of this
34 subsection, the appearance of the purchaser or recipient, and in the
35 reasonable belief that the purchaser or recipient was of legal age to
36 purchase or receive the tobacco product or electronic smoking
37 device.

38 c. A penalty imposed pursuant to this section shall be in
39 addition to any penalty that may be imposed pursuant to section 1
40 of P.L.2000, c.87 (C.2A:170-51.4).

41 (cf: P.L.2009, c.182, s.4)

42

43 4. Section 7 of P.L.1966, c.36 (C.26:2F-7) is amended to read
44 as follows:

45 7. (a) There is hereby established a special projects and
46 development fund which shall consist of all funds appropriated or
47 otherwise made available for the purposes set forth in this section.
48 The commissioner, with the approval of the Public Health Council,

1 may make grants from the special projects and development fund to
2 local health agencies, to hospitals, and to voluntary health agencies
3 to provide State health assistance for new health services and for
4 special health projects in order to stimulate continued development
5 of health services and to assure the citizens of New Jersey the
6 benefits of the most advanced health protection techniques.

7 (b) Except as provided in subsection (c) of this section, grants
8 from the special projects and development fund for specific
9 purposes shall be made on an annual basis for a period not in excess
10 of 5 years and such grants shall be in diminishing amounts during
11 this period. The commissioner shall determine the conditions
12 applicable to each such grant including the extent of local financial
13 participation to be required. Grants from the special projects and
14 development fund to voluntary health agencies shall not exceed
15 40% of said fund.

16 (c) (1) Grants from the special projects and development fund
17 shall be made on an annual basis to local health agencies for local
18 enforcement efforts concerning the sale and commercial distribution
19 of tobacco products to persons under the age of **[19]** 21 years, in an
20 amount determined by the commissioner. The grants shall be
21 distributed based on the number of cigarette retail dealer and
22 vending machine licenses issued within a local health agency's
23 jurisdictional authority in order to ensure Statewide coverage and
24 Statewide consistency of enforcement efforts; except that the
25 commissioner may designate up to 5% of available funds, annually,
26 for incentive grants to local health agencies to enhance enforcement
27 efforts.

28 Each grant recipient shall report quarterly to the commissioner
29 on the number of compliance check inspections it has completed
30 and the results of those compliance checks. The commissioner shall
31 determine any other conditions applicable to the grants.

32 (2) Beginning in 1999, notwithstanding the provisions of
33 paragraph (1) of this subsection to the contrary, the commissioner
34 may make grants from the special projects and development fund to
35 public and private local agencies to reduce teenage use of addictive
36 substances.

37 (cf: P.L.2005, c.384, s.2)

38

39 5. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to
40 read as follows:

41 2. a. The Commissioner of Health **[and Senior Services]** is
42 authorized to enforce the provisions of section 1 of P.L.2000, c.87
43 (C.2A:170-51.4) with respect to the prohibition on the sale and
44 commercial distribution of tobacco products to persons under **[19]**
45 21 years of age. The commissioner may delegate the enforcement
46 authority provided in this section to local health agencies, subject to
47 the availability of sufficient funding. The commissioner shall
48 report quarterly to the Legislature on the enforcement program's

1 progress, use of grants awarded pursuant to section 7 of P.L.1966,
2 c.36 (C.26:2F-7), results of enforcement efforts and other matters
3 the commissioner deems appropriate.

4 b. The Department of the Treasury shall provide the
5 commissioner with information about retail tobacco dealer licensees
6 necessary to carry out the purpose of this section.

7 (cf: P.L. 2005, c.384, s.4)

8

9 6. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to
10 read as follows:

11 2. Notwithstanding any other provision of law to the contrary,
12 a person to whom a license is issued pursuant to P.L.1948, c.65
13 (C.54:40A-1 et seq.) shall, as a condition of the license,
14 conspicuously post a legible sign at the point of display of the
15 tobacco products and at the point of sale. The sign, which also shall
16 be posted conspicuously on any licensed cigarette vending machine,
17 shall be at least six inches by three inches in bold letters at least
18 one-quarter inch high and shall read as follows:

19 "A person who sells or offers to sell a tobacco product to a
20 person under **19** 21 years of age shall pay a penalty of up to
21 \$1,000 and may be subject to a license suspension or revocation.

22 Proof of age may be required for purchase."

23 (cf: P.L.2005, c.384, s.6)

24

25 7. Section 4 of P.L.2005, c.85 (C.54:40A-49) is amended to
26 read as follows:

27 4. A person shall not engage in a retail sale of cigarettes in this
28 State unless the sale is a face-to-face sale, except that a person may
29 engage in a non-face-to-face sale of cigarettes to a person in this
30 State if the following conditions are met:

31 a. The seller has fully complied with all of the requirements of
32 the Jenkins Act, 15 U.S.C. s.375 et seq., for shipments to this State;

33 b. The seller has verified payment of, paid, or collected all
34 applicable State taxes, including the cigarette taxes imposed by the
35 "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the
36 sales or use taxes imposed by the "Sales and Use Tax Act,"
37 P.L.1966, c.30 (C.54:32B-1 et seq.), due on the cigarettes; and

38 c. The seller has, before mailing or shipping the cigarettes:

39 (1) obtained from the purchaser reliable confirmation that the
40 purchaser is at least **19** 21 years old and a statement by the
41 purchaser under penalty of perjury certifying the purchaser's date of
42 birth and address;

43 (2) made good faith effort to verify the information contained in
44 the certification provided by the purchaser against a commercially
45 available database or has obtained a photocopy or other image of a
46 government-issued identification bearing the purchaser's image and
47 stating the date of birth or age of the purchaser;

1 (3) received payment for the sale from the prospective purchaser
2 by a credit or debit card that has been issued in the purchaser's
3 name or by check; and

4 (4) verified that a credit or debit card used for payment has been
5 issued in the purchaser's name, and the address to which the
6 cigarettes are being shipped matches the credit or debit card
7 company's address for the cardholder.

8 Sellers taking an order for a non-face-to-face sale may request
9 that prospective purchasers provide their e-mail addresses.

10 (cf: P.L.2005, c.384, s.7)

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12 8. This act shall take effect on the first day of the fourth month
13 next following the date of enactment.

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STATEMENT

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18 This bill raises the minimum age for purchasing tobacco and
19 electronic smoking devices from 19 to 21 years, and raises the
20 minimum age from 19 to 21 years of a person to whom a vendor
21 may sell, offer for sale, distribute, give or furnish such products in
22 New Jersey. The bill also amends various related statutes
23 concerning penalties, fines, signage requirements, non face-to-face
24 transactions, and enforcement provisions to reflect the increased
25 minimum age.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 359

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 359.

This bill raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give, or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

As reported, this bill is identical to Assembly Bill No. 2320, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes: the cigarette tax, the sales and use tax, and the tobacco products wholesale sales and use tax. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring cigarettes through noncompliant retailers or through older proxies. The OLS estimates that, assuming an effective date of October 1, 2016, the bill would decrease State revenue by \$4.5 million to \$12.1 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

The OLS expects the revenue reductions to affect only the General Fund. Parts of the cigarette tax and the tobacco products wholesale sales and use tax are dedicated to the Health Care Subsidy Fund and to debt service on cigarette tax revenue securitization bonds, but statutory law shields these dedications from the effects of decreasing revenue. Consequently, the General Fund portion of the cigarette tax collections would absorb the entirety of the revenue loss from the anticipated decrease in sales.

The OLS also notes that the bill might indirectly affect State spending on health care (e.g. Medicaid or the State Health Benefits Program), by preventing some young people from developing tobacco habits that can cause health problems. Most of this impact would occur

outside of the timeframe of this fiscal estimate. Effects on maternal and child health might manifest sooner, but the OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending in the first few years.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 359

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 359.

This bill raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give, or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 359

STATE OF NEW JERSEY

DATED: MARCH 7, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 359.

This bill raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give, or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from cigarette tax, tobacco products wholesale tax, and sales and use tax. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring taxable cigarettes through noncompliant retailers or through older buyers.

The OLS estimates that the bill would result in a State revenue reduction from the related taxes in a range of approximately \$5.8 million to \$16.2 million annually beginning in fiscal year 2017. This amount would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

The OLS also notes that the bill might indirectly affect State spending on health care (e.g. Medicaid or the State Health Benefits Program), by preventing some young people from developing tobacco habits that can cause health problems. Most of this impact would occur outside of the timeframe of this fiscal estimate. Effects on maternal and child health might manifest sooner, but the OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending in the first few years.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 359
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: MARCH 11, 2016

SUMMARY

Synopsis: Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21.

Type of Impact: A recurring State revenue reduction to the General Fund.
An indeterminate net impact on municipal governments.

Agencies Affected: Department of the Treasury. Municipal governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Fiscal Year 2017*</u>	<u>Fiscal Year 2018</u>	<u>Fiscal Year 2019</u>
State Revenue Loss			
<u>TOTAL</u>	<u>\$5.8 to \$16.2 million</u>	<u>\$5.6 to \$15.7 million</u>	<u>\$5.4 to \$15.1 million</u>
Cigarette Tax	\$4.5 to \$12.5 million	\$4.3 to \$12.0 million	\$4.1 to \$11.6 million
Sales and Use Tax	\$1.1 to \$3.0 million	\$1.1 to \$3.0 million	\$1.0 to \$2.9 million
Tobacco Products Wholesale Sales and Use Tax	\$0.2 to \$0.6 million	\$0.2 to \$0.7 million	\$0.2 to \$0.7 million
Net Local Cost	Potential indeterminate impact – See comments below		

*Assumes July 1, 2016 effective date

- The Office of Legislative Services (OLS) finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring taxable cigarettes through noncompliant retailers or through older buyers.
- The OLS estimates that, assuming an effective date of July 1, 2016, the bill would decrease State revenue by \$6 million to \$16 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

- The OLS also notes that the bill might indirectly affect State spending on health care (e.g. Medicaid or the State Health Benefits Program), by preventing some young people from developing tobacco habits that can cause health problems. Most of this impact would occur outside of the timeframe of this fiscal estimate. Effects on maternal and child health might manifest sooner, but the OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending in the first few years.

BILL DESCRIPTION

Senate Bill No. 359 of 2016 raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give, or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes: the cigarette tax, the sales and use tax, and the tobacco products wholesale sales and use tax. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring cigarettes through noncompliant retailers or through older proxies. The OLS estimates that, assuming an effective date of July 1, 2016, the bill would decrease State revenue by \$6 million to \$16 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

The OLS expects the revenue reductions to affect only the General Fund. Parts of the cigarette tax and the tobacco products wholesale sales and use tax are dedicated to the Health Care Subsidy Fund and to debt service on cigarette tax revenue securitization bonds, but statutory law shields these dedications from the effects of decreasing revenue. Consequently, the General Fund portion of the cigarette tax collections would absorb the entirety of the revenue loss from the anticipated decrease in sales.

Cigarette Tax

According to a policy brief published in the American Journal of Public Health,¹ American smokers aged 18 to 20 consume an average of approximately 8.6 cigarettes per day. Data from the federal Centers for Disease Control and Prevention (CDC) indicate that the prevalence of

¹ Winickoff, et. al. "Retail Impact of Raising Tobacco Sales Age to 21 Years." *American Journal of Public Health*: November 2014, Vol. 104, No. 11, pp. e18-e21.

smoking among New Jersey residents aged 18 to 24 is approximately 20.0 percent. Based on these estimates and current population data from the U.S. Census Bureau, the OLS estimates that New Jersey currently has approximately 44,000 smokers aged 19 and 20, who will purchase about 6.6 million packs of cigarettes per year in New Jersey in FY 2017 in the absence of the bill. At the current tax rate of \$2.70 per pack, this would suggest that individuals aged 19 and 20 will pay \$17.9 million in cigarette taxes in FY 2017. The OLS assumes that cigarette sales will decline by about four percent annually, consistent with recent trends.

However, the OLS expects that some individuals aged 19 and 20 would continue to consume cigarettes in spite of the bill's ban on their obtaining cigarettes, which they might obtain through either State-taxable sources (older social connections in New Jersey, vending machines, or noncompliant retailers), or non-taxable sources (out-of-State retailers, internet retailers, or black market sellers). The OLS is aware of no research to provide a reliable estimate for the magnitude of this effect on taxable sales, but based on information from the Institute of Medicine, the Surgeon General, and similar fiscal estimates conducted by other states, the OLS also assumes that the bill will result in a decrease in State-taxed tobacco consumption by individuals aged 19 and 20 between 25 and 70 percent. These assumptions yield an estimated reduction in cigarette tax revenue of approximately \$4.5 million to \$12.5 million in FY 2017, trending downward with the long-term trend in consumption.

Sales and Use Tax

By prohibiting certain sales, the bill may also lead to a reduction in revenue from the sales and use tax. With regard to cigarette sales, the estimate assumes the reduction in sales described above. It also assumes an average retail price of \$7.60 per pack of cigarettes in New Jersey, based on October 2015 data published by the Campaign for Tobacco-Free Kids. This results in a reduction in revenue from the sales and use tax of approximately \$0.9 million to \$2.5 million per year from taxable cigarettes alone, trending downward with the anticipated decline in consumption.

Available information on total retail sales of non-cigarette tobacco products and electronic smoking devices lead the OLS to project much smaller reductions in sales and use tax revenue associated with these products. However, sales of these products and associated revenues are expected to grow over time, in contrast to cigarettes. As revenue from the tobacco wholesale sales and use tax has grown at an average annual rate of five percent in recent years, this estimate assumes the same rate of sales and use tax growth associated with non-cigarette tobacco products. No State-specific data on sales of electronic smoking devices are available, but some market research suggests that sales may grow by approximately 25 percent per year, if not more. The total reduction in revenue from the sales and use tax, including revenue from taxable cigarettes, non-cigarette tobacco products, and electronic smoking devices, is estimated at \$1.1 million to \$3.0 million annually.

These estimates do not account for any shifting of prohibited expenditures to other taxable goods. To the extent that individuals may shift from buying products that are prohibited under the bill to other taxable items, the reduction in sales and use tax revenue attributable to the bill may be lower than estimated above.

Tobacco Wholesale Sales and Use Tax

The estimate applies similar assumptions to non-cigarette tobacco wholesale sales that are applied to sales of other products affected by the bill. The estimate also assumes that base revenue from the tobacco products wholesale sales and use tax will grow by about five percent annually, consistent with current trends. These assumptions yield an estimated reduction in

revenue of approximately \$0.2 million to \$0.6 million annually, trending slightly upward over time.

Other State revenue effects

It is also possible that the bill could also reduce payments from cigarette manufacturers made under the Tobacco Master Settlement Agreement (MSA), as cigarette sales are a major component in the formula that calculates MSA payments. Some of these payments are eventually received as State revenue from the Tobacco Settlement Fund. However, the State's allocable share of MSA payments is a fixed percentage (approximately 3.9 percent) of total MSA payments made nationwide, and the resulting State revenue is not directly influenced by State-specific sales. Consequently, this estimate assumes that the bill's impact on the Tobacco Settlement Fund revenue would be negligible.

Spending effects

The OLS also notes that, by limiting the access of young adults to cigarettes and other tobacco products, it is possible that some individuals may be diverted from developing tobacco habits that would lead to negative health outcomes. If the individual is enrolled in a State-funded health benefits program (e.g. Medicaid or the State Health Benefits Program), the State may be responsible for paying for health care services related to such health problems.

Most of these negative outcomes, such as cancer or diabetes, would take years or decades for a young person to develop as a result of smoking, and thus any effects would be outside of the scope of this fiscal estimate. Effects on maternal and child health might manifest sooner; smoking is associated with potentially costly health problems such as preterm delivery and stunted fetal growth, but smoking is also associated with lower fertility, which would have the opposite effect on health care costs. The OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending.

Local effects

In addition to the impacts on the State discussed above, the OLS notes that the bill may have an indeterminate net fiscal impact on municipal governments, due to potentially increased municipal court costs offset by municipal revenue collected from penalties assessed under the bill. Although the OLS has insufficient information to estimate the number of additional court cases likely to occur under the bill, or resulting court costs and penalty revenue, the potential impact on any given municipality may be relatively minimal, given the relatively limited size of the affected population and the dispersion of applicable cases across the State. Further, the bill may not significantly increase local law enforcement costs, assuming that efforts to enforce the current restrictions applying to individuals under age 19 might be easily adapted to the new age range.

Section: Human Services

Analyst: David Drescher
Senior Research 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, No. 2320

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

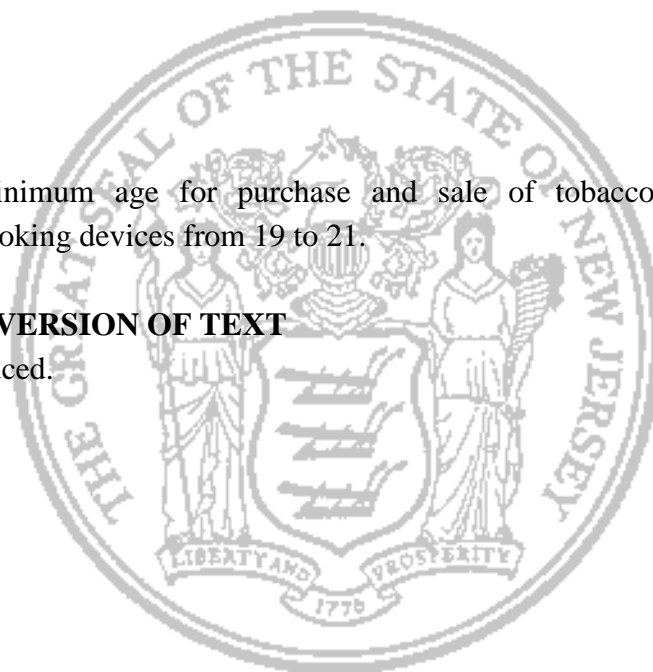
Assemblyman McKeon

SYNOPSIS

Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2017)

1 AN ACT concerning the minimum age for the sale and distribution
2 of tobacco products and electronic smoking devices and revising
3 various parts of the statutory law.

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

7
8 1. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
9 read as follows:

10 3. A person **[19]** 21 years of age or older who purchases a
11 tobacco product for a person who is under **[19]** 21 years of age is a
12 petty disorderly person.
13 (cf: P.L.2005, c.384, s.3)

14
15 2. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to
16 read as follows:

17 1. a. No person, either directly or indirectly by an agent or
18 employee, or by a vending machine owned by the person or located
19 in the person's establishment, shall sell, offer for sale, distribute for
20 commercial purpose at no cost or minimal cost or with coupons or
21 rebate offers, give or furnish, to a person under **[19]** 21 years of
22 age:

23 (1) any cigarettes made of tobacco or of any other matter or
24 substance which can be smoked, or any cigarette paper or tobacco
25 in any form, including smokeless tobacco; or

26 (2) any electronic smoking device that can be used to deliver
27 nicotine or other substances to the person inhaling from the device,
28 including, but not limited to, an electronic cigarette, cigar, cigarillo,
29 or pipe, or any cartridge or other component of the device or related
30 product.

31 b. The establishment of all of the following shall constitute a
32 defense to any prosecution brought pursuant to subsection a. of this
33 section:

34 (1) that the purchaser of the tobacco product or electronic
35 smoking device or the recipient of the promotional sample falsely
36 represented, by producing either a driver's license or non-driver
37 identification card issued by the New Jersey Motor Vehicle
38 Commission, a similar card issued pursuant to the laws of another
39 state or the federal government of Canada, or a photographic
40 identification card issued by a county clerk, that the purchaser or
41 recipient was of legal age to make the purchase or receive the
42 sample;

43 (2) that the appearance of the purchaser of the tobacco product
44 or electronic smoking device or the recipient of the promotional
45 sample was such that an ordinary prudent person would believe the

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 purchaser or recipient to be of legal age to make the purchase or
2 receive the sample; and

3 (3) that the sale or distribution of the tobacco product or
4 electronic smoking device was made in good faith, relying upon the
5 production of the identification set forth in paragraph (1) of this
6 subsection, the appearance of the purchaser or recipient, and in the
7 reasonable belief that the purchaser or recipient was of legal age to
8 make the purchase or receive the sample.

9 c. A person who violates the provisions of subsection a. of this
10 section, including an employee of a retail dealer licensee under
11 P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise
12 provides a tobacco product to a person under **[19]** 21 years of age,
13 shall be liable to a civil penalty of not less than \$250 for the first
14 violation, not less than \$500 for the second violation, and \$1,000
15 for the third and each subsequent violation. The civil penalty shall
16 be collected pursuant to the "Penalty Enforcement Law of 1999,"
17 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding
18 before the municipal court having jurisdiction. An official
19 authorized by statute or ordinance to enforce the State or local
20 health codes or a law enforcement officer having enforcement
21 authority in that municipality may issue a summons for a violation
22 of the provisions of subsection a. of this section, and may serve and
23 execute all process with respect to the enforcement of this section
24 consistent with the Rules of Court. A penalty recovered under the
25 provisions of this subsection shall be recovered by and in the name
26 of the State by the local health agency. The penalty shall be paid
27 into the treasury of the municipality in which the violation occurred
28 for the general uses of the municipality.

29 d. In addition to the provisions of subsection c. of this section,
30 upon the recommendation of the municipality, following a hearing
31 by the municipality, the Division of Taxation in the Department of
32 the Treasury may suspend or, after a second or subsequent violation
33 of the provisions of subsection a. of this section, revoke the license
34 issued under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail
35 dealer. The licensee shall be subject to administrative charges,
36 based on a schedule issued by the Director of the Division of
37 Taxation, which may provide for a monetary penalty in lieu of a
38 suspension.

39 e. A penalty imposed pursuant to this section shall be in
40 addition to any penalty that may be imposed pursuant to section 3
41 of P.L.1999, c. 90 (C.2C:33-13.1).

42 (cf: P.L.2009, c.182, s.3)

43

44 3. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to
45 read as follows:

46 3. a. A person who sells or gives to a person under **[19]** 21
47 years of age any cigarettes made of tobacco or of any other matter
48 or substance which can be smoked, or any cigarette paper or

1 tobacco in any form, including smokeless tobacco, or any electronic
2 smoking device that can be used to deliver nicotine or other
3 substances to the person inhaling from the device, including, but not
4 limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any
5 cartridge or other component of the device or related product,
6 including an employee of a retail dealer licensee under P.L.1948,
7 c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a
8 tobacco product or electronic smoking device to a person under
9 **[19]** 21 years of age, shall be punished by a fine as provided for a
10 petty disorderly persons offense. A person who has been previously
11 punished under this section and who commits another offense under
12 it may be punishable by a fine of twice that provided for a petty
13 disorderly persons offense.

14 b. The establishment of all of the following shall constitute a
15 defense to any prosecution brought pursuant to subsection a. of this
16 section:

17 (1) that the purchaser or recipient of the tobacco product or
18 electronic smoking device falsely represented, by producing either a
19 driver's license or non-driver identification card issued by the New
20 Jersey Motor Vehicle Commission, a similar card issued pursuant to
21 the laws of another state or the federal government of Canada, or a
22 photographic identification card issued by a county clerk, that the
23 purchaser or recipient was of legal age to purchase or receive the
24 tobacco product or electronic smoking device;

25 (2) that the appearance of the purchaser or recipient of the
26 tobacco product or electronic smoking device was such that an
27 ordinary prudent person would believe the purchaser or recipient to
28 be of legal age to purchase or receive the tobacco product or
29 electronic smoking device; and

30 (3) that the sale or distribution of the tobacco product or
31 electronic smoking device was made in good faith, relying upon the
32 production of the identification set forth in paragraph (1) of this
33 subsection, the appearance of the purchaser or recipient, and in the
34 reasonable belief that the purchaser or recipient was of legal age to
35 purchase or receive the tobacco product or electronic smoking
36 device.

37 c. A penalty imposed pursuant to this section shall be in
38 addition to any penalty that may be imposed pursuant to section 1
39 of P.L.2000, c.87 (C.2A:170-51.4).

40 (cf: P.L.2009, c.182, s.4)

41

42 4. Section 7 of P.L.1966, c.36 (C.26:2F-7) is amended to read
43 as follows:

44 7. (a) There is hereby established a special projects and
45 development fund which shall consist of all funds appropriated or
46 otherwise made available for the purposes set forth in this section.
47 The commissioner, with the approval of the Public Health Council,
48 may make grants from the special projects and development fund to

1 local health agencies, to hospitals, and to voluntary health agencies
2 to provide State health assistance for new health services and for
3 special health projects in order to stimulate continued development
4 of health services and to assure the citizens of New Jersey the
5 benefits of the most advanced health protection techniques.

6 (b) Except as provided in subsection (c) of this section, grants
7 from the special projects and development fund for specific
8 purposes shall be made on an annual basis for a period not in excess
9 of 5 years and such grants shall be in diminishing amounts during
10 this period. The commissioner shall determine the conditions
11 applicable to each such grant including the extent of local financial
12 participation to be required. Grants from the special projects and
13 development fund to voluntary health agencies shall not exceed
14 40% of said fund.

15 (c) (1) Grants from the special projects and development fund
16 shall be made on an annual basis to local health agencies for local
17 enforcement efforts concerning the sale and commercial distribution
18 of tobacco products to persons under the age of **[19]** 21 years, in an
19 amount determined by the commissioner. The grants shall be
20 distributed based on the number of cigarette retail dealer and
21 vending machine licenses issued within a local health agency's
22 jurisdictional authority in order to ensure Statewide coverage and
23 Statewide consistency of enforcement efforts; except that the
24 commissioner may designate up to 5% of available funds, annually,
25 for incentive grants to local health agencies to enhance enforcement
26 efforts.

27 Each grant recipient shall report quarterly to the commissioner
28 on the number of compliance check inspections it has completed
29 and the results of those compliance checks. The commissioner shall
30 determine any other conditions applicable to the grants.

31 (2) Beginning in 1999, notwithstanding the provisions of
32 paragraph (1) of this subsection to the contrary, the commissioner
33 may make grants from the special projects and development fund to
34 public and private local agencies to reduce teenage use of addictive
35 substances.

36 (cf: P.L.2005, c.384, s.2)

37

38 5. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to
39 read as follows:

40 2. a. The Commissioner of Health **[and Senior Services]** is
41 authorized to enforce the provisions of section 1 of P.L.2000, c.87
42 (C.2A:170-51.4) with respect to the prohibition on the sale and
43 commercial distribution of tobacco products to persons under **[19]**
44 21 years of age. The commissioner may delegate the enforcement
45 authority provided in this section to local health agencies, subject to
46 the availability of sufficient funding. The commissioner shall
47 report quarterly to the Legislature on the enforcement program's
48 progress, use of grants awarded pursuant to section 7 of P.L.1966,

1 c.36 (C.26:2F-7), results of enforcement efforts and other matters
2 the commissioner deems appropriate.

3 b. The Department of the Treasury shall provide the
4 commissioner with information about retail tobacco dealer licenses
5 necessary to carry out the purpose of this section.

6 (cf: P.L.2005, c.384, s.4)

7

8 6. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to
9 read as follows:

10 2. Notwithstanding any other provision of law to the contrary,
11 a person to whom a license is issued pursuant to P.L.1948, c.65
12 (C.54:40A-1 et seq.) shall, as a condition of the license,
13 conspicuously post a legible sign at the point of display of the
14 tobacco products and at the point of sale. The sign, which also shall
15 be posted conspicuously on any licensed cigarette vending machine,
16 shall be at least six inches by three inches in bold letters at least
17 one-quarter inch high and shall read as follows:

18 "A person who sells or offers to sell a tobacco product to a
19 person under **[19]** 21 years of age shall pay a penalty of up to
20 \$1,000 and may be subject to a license suspension or revocation.

21 Proof of age may be required for purchase."

22 (cf: P.L.2005, c.384, s.6)

23

24 7. Section 4 of P.L.2005, c.85 (C.54:40A-49) is amended to
25 read as follows:

26 4. A person shall not engage in a retail sale of cigarettes in this
27 State unless the sale is a face-to-face sale, except that a person may
28 engage in a non-face-to-face sale of cigarettes to a person in this
29 State if the following conditions are met:

30 a. The seller has fully complied with all of the requirements of
31 the Jenkins Act, 15 U.S.C. s.375 et seq., for shipments to this State;

32 b. The seller has verified payment of, paid, or collected all
33 applicable State taxes, including the cigarette taxes imposed by the
34 "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the
35 sales or use taxes imposed by the "Sales and Use Tax Act,"
36 P.L.1966, c.30 (C.54:32B-1 et seq.), due on the cigarettes; and

37 c. The seller has, before mailing or shipping the cigarettes:

38 (1) obtained from the purchaser reliable confirmation that the
39 purchaser is at least **[19]** 21 years old and a statement by the
40 purchaser under penalty of perjury certifying the purchaser's date of
41 birth and address;

42 (2) made good faith effort to verify the information contained in
43 the certification provided by the purchaser against a commercially
44 available database or has obtained a photocopy or other image of a
45 government-issued identification bearing the purchaser's image and
46 stating the date of birth or age of the purchaser;

1 (3) received payment for the sale from the prospective purchaser
2 by a credit or debit card that has been issued in the purchaser's
3 name or by check; and

4 (4) verified that a credit or debit card used for payment has been
5 issued in the purchaser's name, and the address to which the
6 cigarettes are being shipped matches the credit or debit card
7 company's address for the cardholder.

8 Sellers taking an order for a non-face-to-face sale may request
9 that prospective purchasers provide their e-mail addresses.
10 (cf: P.L.2005, c.384, s.7)

11

12 8. This act shall take effect on the first day of the fourth month
13 next following the date of enactment.

14

15

16

STATEMENT

17

18 This bill raises the minimum age for purchasing tobacco and
19 electronic smoking devices from 19 to 21 years, and raises the
20 minimum age from 19 to 21 years of a person to whom a vendor
21 may sell, offer for sale, distribute, give or furnish such products in
22 New Jersey. The bill also amends various related statutes
23 concerning penalties, fines, signage requirements, non face-to-face
24 transactions, and enforcement provisions to reflect the increased
25 minimum age.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2320

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2016

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 2320.

This bill raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2320

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2320.

This bill raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

As reported, this bill is identical to Senate Bill No. 359, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes: the cigarette tax, the sales and use tax, and the tobacco products wholesale sales and use tax. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring cigarettes through noncompliant retailers or through older proxies. The OLS estimates that, assuming an effective date of October 1, 2016, the bill would decrease State revenue by \$4.5 million to \$12.1 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

The OLS expects the revenue reductions to affect only the General Fund. Parts of the cigarette tax and the tobacco products wholesale sales and use tax are dedicated to the Health Care Subsidy Fund and to debt service on cigarette tax revenue securitization bonds, but statutory law shields these dedications from the effects of decreasing revenue. Consequently, the General Fund portion of the cigarette tax collections would absorb the entirety of the revenue loss from the anticipated decrease in sales.

The OLS also notes that the bill might indirectly affect State spending on health care (e.g. Medicaid or the State Health Benefits Program), by preventing some young people from developing tobacco habits that can cause health problems. Most of this impact would occur

outside of the timeframe of this fiscal estimate. Effects on maternal and child health might manifest sooner, but the OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending in the first few years.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2320
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: MARCH 31, 2016

SUMMARY

Synopsis: Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21.

Type of Impact: A recurring State revenue reduction to the General Fund.
An indeterminate net impact on municipal governments.

Agencies Affected: Department of the Treasury. Municipal governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Fiscal Year 2017*</u>	<u>Fiscal Year 2018</u>	<u>Fiscal Year 2019</u>
State Revenue Loss			
<u>TOTAL</u>	<u>\$4.5 to \$12.1 million</u>	<u>\$5.6 to \$15.7 million</u>	<u>\$5.4 to \$15.1 million</u>
Cigarette Tax	\$3.4 to \$9.4 million	\$4.3 to \$12.0 million	\$4.1 to \$11.6 million
Sales and Use Tax	\$0.8 to \$2.3 million	\$1.1 to \$3.0 million	\$1.0 to \$2.9 million
Tobacco Products Wholesale Sales and Use Tax	\$0.2 to \$0.5 million	\$0.2 to \$0.7 million	\$0.2 to \$0.7 million
Net Local Cost	Potential indeterminate impact – See comments below		

*Assumes October 1, 2016 effective date

- The Office of Legislative Services (OLS) finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring taxable cigarettes through noncompliant retailers or through older buyers.
- The OLS estimates that, assuming an effective date of October 1, 2016, the bill would decrease State revenue by approximately \$4.5 million to \$12.1 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

- The OLS also notes that the bill might indirectly affect State spending on health care (e.g. Medicaid or the State Health Benefits Program), by preventing some young people from developing tobacco habits that can cause health problems. Most of this impact would occur outside of the timeframe of this fiscal estimate. Effects on maternal and child health might manifest sooner, but the OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending in the first few years.

BILL DESCRIPTION

Assembly Bill No. 2320 of 2016 raises the minimum age for purchasing tobacco and electronic smoking devices from 19 to 21 years, and raises the minimum age from 19 to 21 years of a person to whom a vendor may sell, offer for sale, distribute, give, or furnish such products in New Jersey. The bill also amends various related statutes concerning penalties, fines, signage requirements, non face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that prohibiting the sale of cigarettes and other tobacco products to individuals aged 19 and 20 would result in a reduction in State revenue from related taxes: the cigarette tax, the sales and use tax, and the tobacco products wholesale sales and use tax. The precise magnitude of this reduction is uncertain due to a variety of factors, particularly the rate at which individuals affected by the bill would circumvent its provisions, such as by acquiring cigarettes through noncompliant retailers or through older proxies. The OLS estimates that, assuming an effective date of October 1, 2016, the bill would decrease State revenue by \$4.5 million to \$12.1 million in Fiscal Year 2017. The amount of forgone revenue would gradually decline over time, primarily as a result of a long-term declining trend in cigarette sales.

The OLS expects the revenue reductions to affect only the General Fund. Parts of the cigarette tax and the tobacco products wholesale sales and use tax are dedicated to the Health Care Subsidy Fund and to debt service on cigarette tax revenue securitization bonds, but statutory law shields these dedications from the effects of decreasing revenue. Consequently, the General Fund portion of the cigarette tax collections would absorb the entirety of the revenue loss from the anticipated decrease in sales.

Cigarette Tax

According to a policy brief published in the American Journal of Public Health,¹ American smokers aged 18 to 20 consume an average of approximately 8.6 cigarettes per day. Data from the federal Centers for Disease Control and Prevention (CDC) indicate that the prevalence of smoking among New Jersey residents aged 18 to 24 is approximately 20 percent. Based on these

¹ Winickoff, et. al. "Retail Impact of Raising Tobacco Sales Age to 21 Years." *American Journal of Public Health*: November 2014, Vol. 104, No. 11, pp. e18-e21.

estimates and current population data from the U.S. Census Bureau, the OLS estimates that New Jersey currently has approximately 44,000 smokers aged 19 and 20, who will purchase about 6.6 million packs of cigarettes per year in New Jersey in FY 2017 in the absence of the bill. At the current tax rate of \$2.70 per pack, this would suggest that individuals aged 19 and 20 will pay \$17.9 million in cigarette taxes in FY 2017. The OLS assumes that cigarette sales will decline by about four percent annually, consistent with recent trends.

However, the OLS expects that some individuals aged 19 and 20 would continue to consume cigarettes in spite of the bill's ban on their obtaining cigarettes, which they might obtain through either State-taxable sources (older social connections in New Jersey, vending machines, or noncompliant retailers), or non-taxable sources (out-of-State retailers, internet retailers, or black market sellers). The OLS is aware of no research to provide a reliable estimate for the magnitude of this effect on taxable sales, but based on information from the Institute of Medicine, the Surgeon General, and similar fiscal estimates conducted by other states, the OLS also assumes that the bill will result in a decrease in State-taxed tobacco consumption by individuals aged 19 and 20 between 25 and 70 percent. These assumptions yield an estimated annual reduction in cigarette tax revenue of approximately \$4.5 million to \$12.5 million, trending downward with the long-term trend in consumption.

Sales and Use Tax

By prohibiting certain sales, the bill may also lead to a reduction in revenue from the sales and use tax. With regard to cigarette sales, the estimate assumes the reduction in sales described above. It also assumes an average retail price of \$7.60 per pack of cigarettes in New Jersey, based on October 2015 data published by the Campaign for Tobacco-Free Kids. This results in a reduction in revenue from the sales and use tax of approximately \$0.9 million to \$2.5 million per year from taxable cigarettes alone, trending downward with the anticipated decline in consumption.

Available information on total retail sales of non-cigarette tobacco products and electronic smoking devices lead the OLS to project much smaller reductions in sales and use tax revenue associated with these products. However, sales of these products and associated revenues are expected to grow over time, in contrast to cigarettes. As revenue from the tobacco wholesale sales and use tax has grown at an average annual rate of five percent in recent years, this estimate assumes the same rate of sales and use tax growth associated with non-cigarette tobacco products. No State-specific data on sales of electronic smoking devices are available, but some market research suggests that sales may grow by approximately 25 percent per year, if not more. The total reduction in revenue from the sales and use tax, including revenue from taxable cigarettes, non-cigarette tobacco products, and electronic smoking devices, is estimated at \$1.1 million to \$3.0 million annually.

These estimates do not account for any shifting of prohibited expenditures to other taxable goods. To the extent that individuals may shift from buying products that are prohibited under the bill to other taxable items, the reduction in sales and use tax revenue attributable to the bill may be lower than estimated above.

Tobacco Wholesale Sales and Use Tax

The estimate applies similar assumptions to non-cigarette tobacco wholesale sales that are applied to sales of other products affected by the bill. The estimate also assumes that base revenue from the tobacco products wholesale sales and use tax will grow by about five percent annually, consistent with current trends. These assumptions yield an estimated reduction in revenue of approximately \$0.2 million to \$0.6 million annually, trending slightly upward over time.

Other State revenue effects

It is also possible that the bill could also reduce payments from cigarette manufacturers made under the Tobacco Master Settlement Agreement (MSA), as cigarette sales are a major component in the formula that calculates MSA payments. Some of these payments are eventually received as State revenue from the Tobacco Settlement Fund. However, the State's allocable share of MSA payments is a fixed percentage (approximately 3.9 percent) of total MSA payments made nationwide, and the resulting State revenue is not directly influenced by State-specific sales. Consequently, this estimate assumes that the bill's impact on the Tobacco Settlement Fund revenue would be negligible.

Spending effects

The OLS also notes that, by limiting the access of young adults to cigarettes and other tobacco products, it is possible that some individuals may be diverted from developing tobacco habits that would lead to negative health outcomes. If the individual is enrolled in a State-funded health benefits program (e.g. Medicaid or the State Health Benefits Program), the State may be responsible for paying for health care services related to such health problems.

Most of these negative outcomes, such as cancer or diabetes, would take years or decades for a young person to develop as a result of smoking, and thus any effects would be outside of the scope of this fiscal estimate. Effects on maternal and child health might manifest sooner; smoking is associated with potentially costly health problems such as preterm delivery and stunted fetal growth, but smoking is also associated with lower fertility, which would have the opposite effect on health care costs. The OLS lacks sufficient data to estimate the magnitude or net direction of such effects on State health care spending.

Local effects

In addition to the impacts on the State discussed above, the OLS notes that the bill may have an indeterminate net fiscal impact on municipal governments, due to potentially increased municipal court costs offset by municipal revenue collected from penalties assessed under the bill. Although the OLS has insufficient information to estimate the number of additional court cases likely to occur under the bill, or resulting court costs and penalty revenue, the potential impact on any given municipality may be relatively minimal, given the relatively limited size of the affected population and the dispersion of applicable cases across the State. Further, the bill may not significantly increase local law enforcement costs, assuming that efforts to enforce the current restrictions applying to individuals under age 19 might be easily adapted to the new age range.

Section: Human Services

*Analyst: David Drescher
Senior 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.).

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Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)

Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

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conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

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

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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