

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 5

NJSA: 56:8-2.27

"Non-prescription drugs & baby food --
prohibit sale after expiration date"

BILL NO: S842 (Substituted for A1792)

SPONSOR(S): Kyrillos

DATE INTRODUCED: February 26, 1998

COMMITTEE:

ASSEMBLY: ~~~~

SENATE: Commerce

AMENDED DURING PASSAGE: No

DATE OF PASSAGE:

ASSEMBLY: March 23, 1998

SENATE: March 19, 1998

DATE OF APPROVAL: April 3, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

(Amendments during passage denoted by superscript numbers)

S842

SPONSORS STATEMENT: Yes (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*
SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1792

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)
(Bill and Sponsors Statement identical to S842)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes* (Identical to Senate Statement for S842)
SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at
the State Library (609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES:

"Whitman eases up on flea markets," Trentonian, 4-4-98, p. 13.

"Whitman signs revised law on sales," Bergen Record, 4-4-98, p. A15.

"Bill that limits flea market sales repealed," Asbury Park Press, 4-4-98, p. A3.

SENATE, No. 842

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 26, 1998

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator RAYMOND J. ZANE

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

**Senators Inverso, Schluter, Adler, Turner, Assemblymen Azzolina,
Romano, Gregg and Gusciora**

SYNOPSIS

Provides certain restrictions on the sale of certain products to the public.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/1998)

1 AN ACT concerning the sale of certain products by retail sellers,
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.), and repealing
3 P.L.1997, c.295.

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

7
8 1. It shall be an unlawful practice for any person to sell or offer to
9 sell to the public:

10 a. any non-prescription drug, infant formula or baby food, which
11 is subject to expiration dating requirements issued by the federal Food
12 and Drug Administration, if the date of expiration has passed; and

13 b. any infant formula or baby food which is subject to expiration
14 dating requirements issued by the federal Food and Drug
15 Administration, any non-prescription drug, or any cosmetic as defined
16 in subsection h. of R.S.24:1-1, unless that person presents, within five
17 days of the request, a written record of the purchase of that product,
18 which record or invoice shall specifically identify the product being
19 sold by the product name, quantity purchased, that quantity being
20 denoted by item, box, crate, pallet or otherwise, and date of purchase
21 and shall contain the complete name or business name, address and
22 phone number of the person from whom that product was purchased.
23 The provisions of this subsection shall not apply to a transaction
24 involving less than \$50 of product between persons selling that
25 product in the same general market area on the same day.

26
27 2. Section 1 of P.L.1997, c.295 (C.56:8-2.24) is repealed.

28
29 3. This act shall take effect on the 90th day following enactment,
30 except that section 2 shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill prohibits a person from selling to the public: (1) infant
36 formula and baby foods which are subject to an expiration date
37 required by the federal Food and Drug Administration; (2) non-
38 prescription drugs and (3) cosmetics unless the person has an invoice
39 specifically identifying the product by product name, quantity
40 purchased and date of purchase and the complete name, address, and
41 phone number of the person from whom that product was purchased.
42 An invoice is not required if less than \$50 of the product was
43 purchased from a vendor operating in the same general market area on
44 the same day.

45 The bill also prohibits a person from selling to the public infant

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3

1 formula, baby foods and non-prescription drugs, which are subject to
2 expiration dating requirements of the federal Food and Drug
3 Administration, beyond their expiration date.

4 The bill repeals P.L.1997, c.295 (C.56:8-2.24) which prohibited the
5 sale of food products intended for consumption by infants, non-
6 prescription drugs subject to federal expiration dating requirements,
7 and cosmetics at flea markets or other venues utilized by itinerant
8 vendors.

SENATE, No. 842

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 26, 1998

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator RAYMOND J. ZANE

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

**Senators Inverso, Schluter, Adler, Turner, Assemblymen Azzolina,
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12 and Drug Administration, if the date of expiration has passed; and

13 b. any infant formula or baby food which is subject to expiration
14 dating requirements issued by the federal Food and Drug
15 Administration, any non-prescription drug, or any cosmetic as defined
16 in subsection h. of R.S.24:1-1, unless that person presents, within five
17 days of the request, a written record of the purchase of that product,
18 which record or invoice shall specifically identify the product being
19 sold by the product name, quantity purchased, that quantity being
20 denoted by item, box, crate, pallet or otherwise, and date of purchase
21 and shall contain the complete name or business name, address and
22 phone number of the person from whom that product was purchased.
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24 involving less than \$50 of product between persons selling that
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38 prescription drugs and (3) cosmetics unless the person has an invoice
39 specifically identifying the product by product name, quantity
40 purchased and date of purchase and the complete name, address, and
41 phone number of the person from whom that product was purchased.
42 An invoice is not required if less than \$50 of the product was
43 purchased from a vendor operating in the same general market area on
44 the same day.

45 The bill also prohibits a person from selling to the public infant

S842 KYRILLOS, ZANE

3

1 formula, baby foods and non-prescription drugs, which are subject to
2 expiration dating requirements of the federal Food and Drug
3 Administration, beyond their expiration date.

4 The bill repeals P.L.1997, c.295 (C.56:8-2.24) which prohibited the
5 sale of food products intended for consumption by infants, non-
6 prescription drugs subject to federal expiration dating requirements,
7 and cosmetics at flea markets or other venues utilized by itinerant
8 vendors.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 842

STATE OF NEW JERSEY

DATED: MARCH 2, 1998

The Senate Commerce Committee reports favorably Senate Bill No. 842.

This bill prohibits a person from selling to the public infant formula, baby foods and non-prescription drugs, which are subject to expiration dating requirements of the federal Food and Drug Administration, beyond their expiration date.

The bill also prohibits a person from selling to the public: (1) infant formula and baby foods which are subject to expiration dating requirements of the federal Food and Drug Administration; (2) non-prescription drugs and (3) cosmetics, unless the person has an invoice specifically identifying the product by product name, quantity purchased and date of purchase and the complete name, address, and phone number of the person from whom that product was purchased. An invoice is not required if less than \$50 of the product was purchased by a vendor from a vendor operating in the same general market area on the same day.

The bill repeals P.L.1997, c.295 (C.56:8-2.24) which prohibits the sale of food products intended for consumption by infants, non-prescription drugs subject to federal expiration dating requirements, and cosmetics at flea markets or other venues utilized by itinerant vendors.

ASSEMBLY, No. 1792

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 26, 1998

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman LOUIS A. ROMANO

District 33 (Hudson)

Co-Sponsored by:

Assemblymen Gregg and Gusciora

SYNOPSIS

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As introduced.



(Sponsorship Updated As Of: 3/24/1998)

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12 and Drug Administration, if the date of expiration has passed; and

13 b. any infant formula or baby food which is subject to expiration
14 dating requirements issued by the federal Food and Drug
15 Administration, any non-prescription drug, or any cosmetic as defined
16 in subsection h. of R.S.24:1-1, unless that person presents, within five
17 days of the request, a written record of the purchase of that product,
18 which record or invoice shall specifically identify the product being
19 sold by the product name, quantity purchased, that quantity being
20 denoted by item, box, crate, pallet or otherwise, and date of purchase
21 and shall contain the complete name or business name, address and
22 phone number of the person from whom that product was purchased.
23 The provisions of this subsection shall not apply to a transaction
24 involving less than \$50 of product between persons selling that
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39 specifically identifying the product by product name, quantity
40 purchased and date of purchase and the complete name, address, and
41 phone number of the person from whom that product was purchased.
42 An invoice is not required if less than \$50 of the product was
43 purchased from a vendor operating in the same general market area on
44 the same day.

45 The bill also prohibits a person from selling to the public infant
46 formula, baby foods and non-prescription drugs, which are subject to

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1 expiration dating requirements of the federal Food and Drug
2 Administration, beyond their expiration date.

3 The bill repeals P.L.1997, c.295 (C.56:8-2.24) which prohibited the
4 sale of food products intended for consumption by infants, non-
5 prescription drugs subject to federal expiration dating requirements,
6 and cosmetics at flea markets or other venues utilized by itinerant
7 vendors.

ASSEMBLY COMMERCE, TOURISM, GAMING AND
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1792

STATE OF NEW JERSEY

DATED: MARCH 12, 1998

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably Assembly Bill No. 1792.

As reported, this bill prohibits a person from selling to the public infant formula, baby foods and non-prescription drugs, which are subject to expiration dating requirements of the federal Food and Drug Administration, beyond their expiration date.

The bill also prohibits a person from selling to the public: (1) infant formula and baby foods which are subject to expiration dating requirements of the federal Food and Drug Administration; (2) non-prescription drugs and (3) cosmetics, unless the person has an invoice specifically identifying the product by product name, quantity purchased and date of purchase and the complete name, address, and phone number of the person from whom that product was purchased. An invoice is not required if less than \$50 of the product was purchased by a vendor from a vendor operating in the same general market area on the same day.

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Office of the Governor

PO BOX 004
TRENTON, NJ 08625

NEWS RELEASE

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: April 3, 1998

Gov. Christie Whitman today signed legislation which makes it illegal for a business to sell over-the-counter medicine and baby food past their expiration dates. The bill covers all businesses, including retail dealers and flea market vendors.

The bill, S-842, repeals S-1573, which was signed by the Governor on January 8, 1998. The purpose of S-1573 was to prevent the sale of stolen merchandise and the sale of over-the-counter drugs. S-1573 placed an outright ban on the sale of infant formula, over-the-counter drugs and cosmetics by flea market or itinerant vendors.

S-842 strikes all references to types of businesses. Instead, it prohibits any business from selling medicine and baby food past their expiration dates. The bill also requires vendors to identify the source of the goods they are selling within five days after a request is made for the information.

S-842 was sponsored by Senators Joseph M. Kyrillos, Jr. (R-Middlesex/Monmouth) and Raymond J. Zane (D-Salem/Cumberland/Gloucester) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Louis A. Romano (D-Hudson).

The Governor also signed AJR-31, which designates March 31 of each year as "Thomas Mundy Peterson Day" in recognition of the first vote cast by an African-American in the United States after the passage of the Fifteenth Amendment to the U. S. Constitution. The Fifteenth Amendment provides that the right to vote shall not be impaired. Thomas Mundy Peterson (1824-1904) cast his vote in a municipal charter referendum in Perth Amboy on March 31 1870.