

56:7-19

LEGISLATIVE HISTORY CHECKLIST

NJSA 56:7-19 (Non-tobacco substances)

Laws of 1976 Chapter 32

Bill No. S912

Sponsor(s) Merlino & Tumulty

Date Introduced Pre-filed

Committee: Assembly Taxation

Senate Revenue, Finance & Appropriations

Amended during passage Yes No

Date of passage: Assembly May 20, 1976

Senate February 9, 1976

Date of approval June 7, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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CHAPTER 32 LAWS OF N. J. 19 76
APPROVED 6-7-76

SENATE, No. 912

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators MERLINO and TUMULTY

AN ACT to amend the "Unfair Cigarette Sales Act of 1952," approved May 19, 1952 (P. L. 1952, c. 247).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1952, c. 247 (C. 56:7-19) is amended to
2 read as follows:

3 2. The following words, terms and phrases, when used in this
4 act, shall have the meaning ascribed to them in this section except
5 where the context clearly indicates a different meaning;

6 a. "Person" shall mean and include any individual, firm, as-
7 sociation, company, partnership, corporation, joint stock company,
8 club, agency, syndicate, municipal corporation or other political
9 subdivision of this State, trust, receiver, trustee, fiduciary and con-
10 servator.

11 b. "Cigarettes" shall mean and include any roll for smoking,
12 made wholly or in part of tobacco, *or of any other substance or*
13 *substances other than tobacco*, irrespective of size, **[or]** shape
14 *or flavoring* **[and whether or not such tobacco is flavored, adulter-**
15 **ated or mixed with any other ingredient]**, the wrapper or cover
16 of which is made of paper or any other substance or material,
17 excepting tobacco.

18 c. "Sale" shall mean any transfer for a consideration, exchange,
19 barter, gift, offer for sale and distribution in any manner or by
20 any means whatsoever.

21 d. "Wholesaler" shall include any person who:

22 (1) Purchases cigarettes directly from the manufacturer; or

23 (2) Purchases cigarettes from any other person who purchases
24 from the manufacturer and who acquires such cigarettes solely
25 for the purpose of bona fide resale to retail dealers or to other
26 persons for the purposes of resale only; 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.**

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27 (3) Services retail outlets by the maintenance of an established
28 place of business for the purchase of cigarettes, including, but not
29 limited to, the maintenance of warehousing facilities for the storage
30 and distribution of cigarettes.

31 Nothing contained herein shall prevent a person from qualifying
32 in different capacities as both a "wholesaler" and "retailer"
33 under the applicable provisions of this act.

34 e. "Retailer" shall mean and include any person who operates
35 a store, stand, booth or concession for the purpose of making sales
36 of cigarettes at retail.

37 f. "Sell at retail," "sale at retail" and "retail sales" shall mean
38 and include any transfer of title to cigarettes for a valuable con-
39 sideration, made in the ordinary course of trade or usual conduct of
40 the seller's business, to the purchaser for consumption or use.

41 g. "Sell at wholesale," "sale at wholesale" and "wholesale
42 sales" shall mean and include any bona fide transfer of title to
43 cigarettes for a valuable consideration, made in the ordinary course
44 of trade or in the usual conduct of the wholesaler's business, to a
45 retailer for the purpose of resale.

46 h. "Basic cost of cigarettes" shall mean the invoice cost of
47 cigarettes to the retailer or wholesaler, as the case may be, or the
48 replacement cost of cigarettes, to the retailer or wholesaler, as
49 the case may be, in the quantity last purchased, whichever is lower,
50 less all trade discounts and customary discounts for cash, to which
51 shall be added the full face value of any stamps which may be
52 required by any cigarette tax act of this State and by ordinance
53 of any municipality thereof, now in effect or hereafter enacted, if
54 not already included by the manufacturer in his list price.

55 i. "Director" means the Director of the Division of Taxation,
56 in the Department of the Treasury.

57 j. "Business day" shall mean any day other than a Sunday or
58 a legal holiday.

1 2. This act shall take effect immediately.

STATEMENT

The definition of "cigarettes" under the present law, provides that the filler of the cigarettes must be composed partly of tobacco. Under the proposed amendment of the definition of "cigarettes" there is no longer any requirement that part of the filler need be tobacco, but may be composed entirely of substances or materials other than tobacco.

ASSEMBLY TAXATION COMMITTEE

STATEMENT TO

SENATE, No. 912

STATE OF NEW JERSEY

DATED: MAY 3, 1976

This bill is a companion to S-911 as it relates to the "Unfair Cigarette Sales Act of 1952".

The committee releases this bill favorably.