

2A:170-51.4

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 384

NJSA: 2A:170-51.4 (Raises minimum age for sale and purchase of tobacco products from 18 to 19)

BILL NO: S2783 (Substituted for A1300/4596)

SPONSOR(S): Codey and others

DATE INTRODUCED: November 10, 2005

COMMITTEE: **ASSEMBLY:**

SENATE Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: December 8, 2005

DATE OF APPROVAL: January 15, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S2783

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A1300/4596

[SPONSOR'S STATEMENT \(A1300\):](#) (Begins on page 5 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A4596\):](#) (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

For clippings see legislative history of L. 2005 c.383

IS 3/20/08

P.L. 2005, CHAPTER 384, *approved January 15, 2006*
Senate, No. 2783 (*First Reprint*)

1 **AN ACT** concerning penalties for the sale or distribution of tobacco
2 products to persons under 19 years of age and revising parts of the
3 statutory law.

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

7
8 1. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to read
9 as follows:

10 1. a. No person, either directly or indirectly by an agent or
11 employee, or by a vending machine owned by the person or located in
12 the person's establishment, shall sell, offer for sale, distribute for
13 commercial purpose at no cost or minimal cost or with coupons or
14 rebate offers, give or furnish, to a person under **[18]** 19 years of age,
15 any cigarettes made of tobacco or of any other matter or substance
16 which can be smoked, or any cigarette paper or tobacco in any form,
17 including smokeless tobacco.

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

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

29 (2) that the appearance of the purchaser of the tobacco product or
30 the recipient of the promotional sample was such that an ordinary
31 prudent person would believe the purchaser or recipient to be of legal
32 age to make the purchase or receive the sample; and

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

39 c. A person who violates the provisions of subsection a. of this
40 section, including an employee of a retail dealer licensee under

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted December 1, 2005.

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

18 d. In addition to the provisions of subsection c. of this section,
19 upon the recommendation of the municipality, following a hearing by
20 the municipality, the Division of Taxation in the Department of the
21 Treasury may suspend or, after a second or subsequent violation of the
22 provisions of subsection a. of this section, revoke the license issued
23 under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail dealer.
24 The licensee shall be subject to administrative charges, based on a
25 schedule issued by the Director of the Division of Taxation, which may
26 provide for a monetary penalty in lieu of a suspension.

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

30 (cf: P.L.2003, c.175, s.1)

31

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

34 7. (a) There is hereby established a special projects and
35 development fund which shall consist of all funds appropriated or
36 otherwise made available for the purposes set forth in this section.
37 The commissioner, with the approval of the Public Health Council,
38 may make grants from the special projects and development fund to
39 local health agencies, to hospitals, and to voluntary health agencies to
40 provide State health assistance for new health services and for special
41 health projects in order to stimulate continued development of health
42 services and to assure the citizens of New Jersey the benefits of the
43 most advanced health protection techniques.

44 (b) Except as provided in subsection (c) of this section, grants
45 from the special projects and development fund for specific purposes
46 shall be made on an annual basis for a period not in excess of 5 years

1 and such grants shall be in diminishing amounts during this period. The
2 commissioner shall determine the conditions applicable to each such
3 grant including the extent of local financial participation to be
4 required. Grants from the special projects and development fund to
5 voluntary health agencies shall not exceed 40% of said fund.

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

17 Each grant recipient shall report quarterly to the commissioner on
18 the number of compliance check inspections it has completed and the
19 results of those compliance checks. The commissioner shall determine
20 any other conditions applicable to the grants.

21 (2) Beginning in 1999, notwithstanding the provisions of paragraph
22 (1) of this subsection to the contrary, the commissioner may make
23 grants from the special projects and development fund to public and
24 private local agencies to reduce teenage use of addictive substances.
25 (cf: P.L.1995, c.320, s.1)

26
27 3. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
28 read as follows:

29 3. A person [18] 19 years of age or older who purchases a
30 tobacco product for a person who is under [18] 19 years of age is a
31 petty disorderly person.
32 (cf: P.L.1995, c.304, s.3)

33
34 4. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to
35 read as follows:

36 2. a. The Commissioner of Health and Senior Services is
37 authorized to enforce the provisions of section 1 of P.L.2000, c.87
38 (C.2A:170-51.4) with respect to the prohibition on the sale and
39 commercial distribution of tobacco products to persons under [18] 19
40 years of age. The commissioner may delegate the enforcement
41 authority provided in this section to local health agencies, subject to
42 the availability of sufficient funding. The commissioner shall report
43 quarterly to the Legislature on the enforcement program's progress,
44 use of grants awarded pursuant to section 7 of P.L.1966, c.36
45 (C.26:2F-7), results of enforcement efforts and other matters the
46 commissioner deems appropriate.

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

4 (cf: P.L.2000, c.87, s.3)

5
6 5. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read
7 as follows:

8 3. a. A person who sells or gives to a person under [18] 19 years
9 of age any cigarettes made of tobacco or of any other matter or
10 substance which can be smoked, or any cigarette paper or tobacco in
11 any form, including smokeless tobacco, including an employee of a
12 retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who
13 actually sells or otherwise provides a tobacco product to a person
14 under 19 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 falsely
23 represented, by producing either a driver's license or non-driver
24 identification card issued by the [Division of Motor Vehicles in the
25 Department of Transportation] New Jersey Motor Vehicle
26 Commission, a similar card issued pursuant to the laws of another state
27 or the federal government of Canada, or a photographic identification
28 card issued by a county clerk, that the purchaser or recipient was of
29 legal age to purchase or receive the tobacco product;

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

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

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

43 (cf: P.L.2000, c.87, s.4)

44
45 6. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to read
46 as follows:

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

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

12 Proof of age may be required for purchase."

13 (cf: P.L.1995, c.304, s.2)

14
15 17. Section 4 of P.L.2005, c.85 (C. 54:40A-49) is amended to read
16 as follows:

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

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

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

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

29 (1) obtained from the purchaser reliable confirmation that the
30 purchaser is at least [18] 19 years old and a statement by the
31 purchaser under penalty of perjury certifying the purchaser's date of
32 birth and address;

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

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

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

45 Sellers taking an order for a non-face-to-face sale may request that

1 prospective purchasers provide their e-mail addresses.¹

2 (cf: P.L.2005, c.85, s.4)

3

4 ¹[7.] §.¹ This act shall take effect on the 90th day after enactment;
5 except that the Commissioner of Health and Senior Services may take
6 such anticipatory administrative action in advance as shall be necessary
7 for the implementation of the act.

8

9

10

11

12 _____
13 Raises minimum age for sale and purchase of tobacco products from
18 to 19.

SENATE, No. 2783

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED NOVEMBER 10, 2005

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Raises minimum age to purchase tobacco products from 18 to 19.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning penalties for the sale or distribution of tobacco
2 products to persons under 19 years of age and revising parts of the
3 statutory law.

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

7
8 1. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to read
9 as follows:

10 1. a. No person, either directly or indirectly by an agent or
11 employee, or by a vending machine owned by the person or located in
12 the person's establishment, shall sell, offer for sale, distribute for
13 commercial purpose at no cost or minimal cost or with coupons or
14 rebate offers, give or furnish, to a person under ~~[18]~~ 19 years of age,
15 any cigarettes made of tobacco or of any other matter or substance
16 which can be smoked, or any cigarette paper or tobacco in any form,
17 including smokeless tobacco.

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

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

29 (2) that the appearance of the purchaser of the tobacco product or
30 the recipient of the promotional sample was such that an ordinary
31 prudent person would believe the purchaser or recipient to be of legal
32 age to make the purchase or receive the sample; and

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

39 c. A person who violates the provisions of subsection a. of this
40 section, including an employee of a retail dealer licensee under
41 P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise
42 provides a tobacco product to a person under 19 years of age, shall
43 be liable to a civil penalty of not less than \$250 for the first violation,

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 not less than \$500 for the second violation, and \$1,000 for the third
2 and each subsequent violation. The civil penalty shall be collected
3 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
4 (C.2A:58-10 et seq.), in a summary proceeding before the municipal
5 court having jurisdiction. An official authorized by statute or
6 ordinance to enforce the State or local health codes or a law
7 enforcement officer having enforcement authority in that municipality
8 may issue a summons for a violation of the provisions of subsection a.
9 of this section, and may serve and execute all process with respect to
10 the enforcement of this section consistent with the Rules of Court. A
11 penalty recovered under the provisions of this subsection shall be
12 recovered by and in the name of the State by the local health agency.
13 The penalty shall be paid into the treasury of the municipality in which
14 the violation occurred for the general uses of the municipality.

15 d. In addition to the provisions of subsection c. of this section,
16 upon the recommendation of the municipality, following a hearing by
17 the municipality, the Division of Taxation in the Department of the
18 Treasury may suspend or, after a second or subsequent violation of the
19 provisions of subsection a. of this section, revoke the license issued
20 under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail dealer.
21 The licensee shall be subject to administrative charges, based on a
22 schedule issued by the Director of the Division of Taxation, which may
23 provide for a monetary penalty in lieu of a suspension.

24 e. A penalty imposed pursuant to this section shall be in addition
25 to any penalty that may be imposed pursuant to section 3 of P.L.1999,
26 c. 90 (C.2C:33-13.1).
27 (cf: P.L.2003, c.175, s.1)

28

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

31 7. (a) There is hereby established a special projects and
32 development fund which shall consist of all funds appropriated or
33 otherwise made available for the purposes set forth in this section.
34 The commissioner, with the approval of the Public Health Council,
35 may make grants from the special projects and development fund to
36 local health agencies, to hospitals, and to voluntary health agencies to
37 provide State health assistance for new health services and for special
38 health projects in order to stimulate continued development of health
39 services and to assure the citizens of New Jersey the benefits of the
40 most advanced health protection techniques.

41 (b) Except as provided in subsection (c) of this section, grants
42 from the special projects and development fund for specific purposes
43 shall be made on an annual basis for a period not in excess of 5 years
44 and such grants shall be in diminishing amounts during this period. The
45 commissioner shall determine the conditions applicable to each such
46 grant including the extent of local financial participation to be

1 required. Grants from the special projects and development fund to
2 voluntary health agencies shall not exceed 40% of said fund.

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

14 Each grant recipient shall report quarterly to the commissioner on
15 the number of compliance check inspections it has completed and the
16 results of those compliance checks. The commissioner shall determine
17 any other conditions applicable to the grants.

18 (2) Beginning in 1999, notwithstanding the provisions of paragraph
19 (1) of this subsection to the contrary, the commissioner may make
20 grants from the special projects and development fund to public and
21 private local agencies to reduce teenage use of addictive substances.
22 (cf: P.L.1995, c.320, s.1)

23

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

26 3. A person [18] 19 years of age or older who purchases a
27 tobacco product for a person who is under [18] 19 years of age is a
28 petty disorderly person.

29 (cf: P.L.1995, c.304, s.3)

30

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

33 2. a. The Commissioner of Health and Senior Services is
34 authorized to enforce the provisions of section 1 of P.L.2000, c.87
35 (C.2A:170-51.4) with respect to the prohibition on the sale and
36 commercial distribution of tobacco products to persons under [18] 19
37 years of age. The commissioner may delegate the enforcement
38 authority provided in this section to local health agencies, subject to
39 the availability of sufficient funding. The commissioner shall report
40 quarterly to the Legislature on the enforcement program's progress,
41 use of grants awarded pursuant to section 7 of P.L.1966, c.36
42 (C.26:2F-7), results of enforcement efforts and other matters the
43 commissioner deems appropriate.

44 b. The Department of the Treasury shall provide the commissioner
45 with information about retail tobacco dealer licensees necessary to

1 carry out the purpose of this section.

2 (cf: P.L.2000, c.87, s.3)

3

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

6 3. a. A person who sells or gives to a person under ~~[18]~~ 19 years
7 of age any cigarettes made of tobacco or of any other matter or
8 substance which can be smoked, or any cigarette paper or tobacco in
9 any form, including smokeless tobacco, including an employee of a
10 retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who
11 actually sells or otherwise provides a tobacco product to a person
12 under 19 years of age, shall be punished by a fine as provided for a
13 petty disorderly persons offense. A person who has been previously
14 punished under this section and who commits another offense under
15 it may be punishable by a fine of twice that provided for a petty
16 disorderly persons offense.

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

20 (1) that the purchaser or recipient of the tobacco product falsely
21 represented, by producing either a driver's license or non-driver
22 identification card issued by the ~~[Division of Motor Vehicles in the~~
23 ~~Department of Transportation]~~ New Jersey Motor Vehicle
24 Commission, a similar card issued pursuant to the laws of another state
25 or the federal government of Canada, or a photographic identification
26 card issued by a county clerk, that the purchaser or recipient was of
27 legal age to purchase or receive the tobacco product;

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

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

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

41 (cf: P.L.2000, c.87, s.4)

42

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

45 2. Notwithstanding any other provision of law to the contrary, a
46 person to whom a license is issued pursuant to P.L.1948, c.65

1 (C.54:40A-1 et seq.) shall, as a condition of the license, conspicuously
2 post a legible sign at the point of display of the tobacco products and
3 at the point of sale. The sign, which also shall be posted
4 conspicuously on any licensed cigarette vending machine, shall be at
5 least six inches by three inches in bold letters at least one-quarter inch
6 high and shall read as follows:

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

10 Proof of age may be required for purchase."

11 (cf: P.L.1995, c.304, s.2)

12

13 7. This act shall take effect on the 90th day after enactment; except
14 that the Commissioner of Health and Senior Services may take such
15 anticipatory administrative action in advance as shall be necessary for
16 the implementation of the act.

17

18

19

STATEMENT

20

21 This bill raises the minimum age of a person to whom a vendor may
22 sell, offer for sale, distribute, give or furnish tobacco products in New
23 Jersey from 18 to 19 years.

24 The bill also extends the liability provided under current law (a civil
25 penalty under N.J.S.A.2A:170-51.4 and a criminal fine under
26 N.J.S.A.2C:33-13.1) for a tobacco retail dealer licensee who sells or
27 otherwise provides tobacco products in violation of the provisions of
28 this bill to an employee of the licensee who sells or otherwise provides
29 tobacco products to someone under 19 years of age.

30 The bill takes effect on the 90th day after enactment, but authorizes
31 the Commissioner of Health and Senior Services to take anticipatory
32 administrative action in advance as necessary for its implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2783

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2783.

As amended by committee, this bill raises the minimum age of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey from 18 to 19 years, and raises the age for purchasing tobacco from 18 to 19 years.

The bill also extends the liability provided under current law (a civil penalty under N.J.S.A.2A:170-51.4 and a criminal fine under N.J.S.A.2C:33-13.1) for a tobacco retail dealer licensee who sells or otherwise provides tobacco products in violation of the provisions of this bill to an employee of the licensee who sells or otherwise provides tobacco products to someone under 19 years of age.

The bill takes effect on the 90th day after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

The committee amended the bill to conform the provisions of N.J.S.A.54:40A-49, which governs the sale of tobacco products in non-face-to-face transactions, to the provisions of this bill.

ASSEMBLY, No. 1300

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Co-Sponsored by:

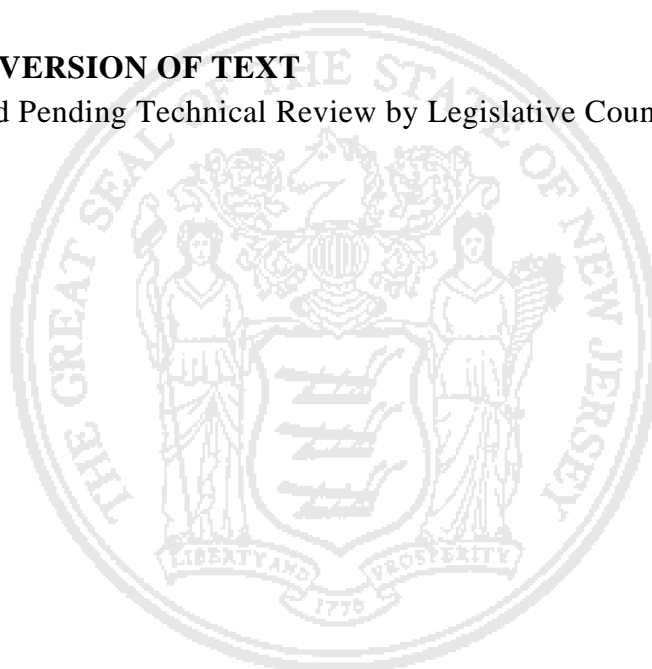
Assemblyman Hackett

SYNOPSIS

Raises minimum age to purchase tobacco products from 18 to 21.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/7/2004)

A1300 MCKEON, CRYAN

2

1 AN ACT concerning penalties for the sale or distribution of tobacco
2 products to persons under 21 years of age and revising parts of the
3 statutory law.

4

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

7

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

10 1. a. No person, either directly or indirectly by an agent or
11 employee, or by a vending machine owned by the person or located in
12 the person's establishment, shall sell, offer for sale, distribute for
13 commercial purpose at no cost or minimal cost or with coupons or
14 rebate offers, give or furnish, to a person under **[18]** 21 years of age,
15 any cigarettes made of tobacco or of any other matter or substance
16 which can be smoked, or any cigarette paper or tobacco in any form,
17 including smokeless tobacco.

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

21 (1) that the purchaser of the tobacco product or the recipient of the
22 promotional sample falsely represented, by producing either a driver's
23 license or non-driver identification card issued by the Division of
24 Motor Vehicles in the Department of Transportation, a similar card
25 issued pursuant to the laws of another state or the federal government
26 of Canada, or a photographic identification card issued by a county
27 clerk, that the purchaser or recipient was of legal age to make the
28 purchase or receive the sample;

29 (2) that the appearance of the purchaser of the tobacco product or
30 the recipient of the promotional sample was such that an ordinary
31 prudent person would believe the purchaser or recipient to be of legal
32 age to make the purchase or receive the sample; and

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

39 c. A person who violates the provisions of subsection a. of this
40 section shall be liable to a civil penalty of not less than \$250 for the
41 first violation, not less than \$500 for the second violation, and \$1,000
42 for the third and each subsequent violation. The civil penalty shall be
43 collected pursuant to the "Penalty Enforcement Law of 1999,"

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before
2 the municipal court having jurisdiction. An official authorized by
3 statute or ordinance to enforce the State or local health codes or a law
4 enforcement officer having enforcement authority in that municipality
5 may issue a summons for a violation of the provisions of subsection a.
6 of this section, and may serve and execute all process with respect to
7 the enforcement of this section consistent with the Rules of Court. A
8 penalty recovered under the provisions of this subsection shall be
9 recovered by and in the name of the State by the local health agency.
10 The penalty shall be paid into the treasury of the municipality in which
11 the violation occurred for the general uses of the municipality.

12 d. In addition to the provisions of subsection c. of this section,
13 upon the recommendation of the municipality, following a hearing by
14 the municipality, the Division of Taxation in the Department of the
15 Treasury may suspend or, after a second or subsequent violation of the
16 provisions of subsection a. of this section, revoke the license issued
17 under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail dealer.
18 The licensee shall be subject to administrative charges, based on a
19 schedule issued by the Director of the Division of Taxation, which may
20 provide for a monetary penalty in lieu of a suspension.

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

24 (cf: P.L.2000, c.87, s.1)

25

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

28 7. (a) There is hereby established a special projects and
29 development fund which shall consist of all funds appropriated or
30 otherwise made available for the purposes set forth in this section.
31 The commissioner, with the approval of the Public Health Council,
32 may make grants from the special projects and development fund to
33 local health agencies, to hospitals, and to voluntary health agencies to
34 provide State health assistance for new health services and for special
35 health projects in order to stimulate continued development of health
36 services and to assure the citizens of New Jersey the benefits of the
37 most advanced health protection techniques.

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

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

12 Each grant recipient shall report quarterly to the commissioner on
13 the number of compliance check inspections it has completed and the
14 results of those compliance checks. The commissioner shall determine
15 any other conditions applicable to the grants.

16 (2) Beginning in 1999, notwithstanding the provisions of paragraph
17 (1) of this subsection to the contrary, the commissioner may make
18 grants from the special projects and development fund to public and
19 private local agencies to reduce teenage use of addictive substances.
20 (cf: P.L.1995, c.320, s.1)

21
22 3. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to
23 read as follows:

24 3. A person [18] 21 years of age or older who purchases a
25 tobacco product for a person who is under [18] 21 years of age is a
26 petty disorderly person.
27 (cf: P.L.1995, c.304, s.3)

28
29 4. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to
30 read as follows:

31 2. a. The Commissioner of Health and Senior Services is
32 authorized to enforce the provisions of section 1 of P.L.2000, c.87
33 (C.2A:170-51.4) with respect to the prohibition on the sale and
34 commercial distribution of tobacco products to persons under [18]
35 21 years of age. The commissioner may delegate the enforcement
36 authority provided in this section to local health agencies, subject to
37 the availability of sufficient funding. The commissioner shall report
38 quarterly to the Legislature on the enforcement program's progress,
39 use of grants awarded pursuant to section 7 of P.L.1966, c.36
40 (C.26:2F-7), results of enforcement efforts and other matters the
41 commissioner deems appropriate.

42 b. The Department of the Treasury shall provide the commissioner
43 with information about retail tobacco dealer licensees necessary to
44 carry out the purpose of this section.
45 (cf: P.L.2000, c.87, s.3)

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

3 3. a. A person who sells or gives to a person under [~~18~~] 21 years
4 of age any cigarettes made of tobacco or of any other matter or
5 substance which can be smoked, or any cigarette paper or tobacco in
6 any form, including smokeless tobacco, shall be punished by a fine as
7 provided for a petty disorderly persons offense. A person who has
8 been previously punished under this section and who commits another
9 offense under it may be punishable by a fine of twice that provided for
10 a petty disorderly persons offense.

11 b. The establishment of all of the following shall constitute a
12 defense to any prosecution brought pursuant to subsection a. of this
13 section:

14 (1) that the purchaser or recipient of the tobacco product falsely
15 represented, by producing either a driver's license or non-driver
16 identification card issued by the Division of Motor Vehicles in the
17 Department of Transportation, a similar card issued pursuant to the
18 laws of another state or the federal government of Canada, or a
19 photographic identification card issued by a county clerk, that the
20 purchaser or recipient was of legal age to purchase or receive the
21 tobacco product;

22 (2) that the appearance of the purchaser or recipient of the tobacco
23 product was such that an ordinary prudent person would believe the
24 purchaser or recipient to be of legal age to purchase or receive the
25 tobacco product; and

26 (3) that the sale or distribution of the tobacco product was made
27 in good faith, relying upon the production of the identification set
28 forth in paragraph (1) of this subsection, the appearance of the
29 purchaser or recipient, and in the reasonable belief that the purchaser
30 or recipient was of legal age to purchase or receive the tobacco
31 product.

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

35 (cf: P.L.2000, c.87, s.4)

36

37 6. This act shall take effect on the 60th day after enactment; except
38 that the Commissioner of Health and Senior Services may take such
39 anticipatory administrative action in advance as shall be necessary for
40 the implementation of the act.

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STATEMENT

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45 This bill raises the minimum age of a person to whom a vendor may
46 sell, offer for sale, distribute, give or furnish tobacco products in New

A1300 MCKEON, CRYAN

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1 Jersey from 18 to 21 years. The bill is intended to eliminate tobacco
2 from the high school environment and make it easier for tobacco
3 retailers to distinguish between persons who can legally purchase
4 tobacco products and younger teenagers whose physical appearance
5 may enable them to pass for an 18-year old.

ASSEMBLY, No. 4596

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 5, 2005

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Raises minimum age to purchase tobacco products from 18 to 19.

CURRENT VERSION OF TEXT

As introduced.



A4596 CHIVUKULA

2

1 AN ACT concerning penalties for the sale or distribution of tobacco
2 products to persons under 19 years of age and revising parts of the
3 statutory law.

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

7
8 1. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to read
9 as follows:

10 1. a. No person, either directly or indirectly by an agent or
11 employee, or by a vending machine owned by the person or located in
12 the person's establishment, shall sell, offer for sale, distribute for
13 commercial purpose at no cost or minimal cost or with coupons or
14 rebate offers, give or furnish, to a person under ~~[18]~~ 19 years of age,
15 any cigarettes made of tobacco or of any other matter or substance
16 which can be smoked, or any cigarette paper or tobacco in any form,
17 including smokeless tobacco.

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

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

29 (2) that the appearance of the purchaser of the tobacco product or
30 the recipient of the promotional sample was such that an ordinary
31 prudent person would believe the purchaser or recipient to be of legal
32 age to make the purchase or receive the sample; and

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

38 c. A person who violates the provisions of subsection a. of this
39 section, including an employee of a retail dealer licensee under
40 P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise
41 provides a tobacco product to a person under 19 years of age, shall
42 be liable to a civil penalty of not less than \$250 for the first violation,
43 not less than \$500 for the second violation, and \$1,000 for the third

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 and each subsequent violation. The civil penalty shall be collected
2 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c. 274
3 (C.2A:58-10 et seq.), in a summary proceeding before the municipal
4 court having jurisdiction. An official authorized by statute or
5 ordinance to enforce the State or local health codes or a law
6 enforcement officer having enforcement authority in that municipality
7 may issue a summons for a violation of the provisions of subsection a.
8 of this section, and may serve and execute all process with respect to
9 the enforcement of this section consistent with the Rules of Court. A
10 penalty recovered under the provisions of this subsection shall be
11 recovered by and in the name of the State by the local health agency.
12 The penalty shall be paid into the treasury of the municipality in which
13 the violation occurred for the general uses of the municipality.

14 d. In addition to the provisions of subsection c. of this section,
15 upon the recommendation of the municipality, following a hearing by
16 the municipality, the Division of Taxation in the Department of the
17 Treasury may suspend or, after a second or subsequent violation of the
18 provisions of subsection a. of this section, revoke the license issued
19 under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail dealer.
20 The licensee shall be subject to administrative charges, based on a
21 schedule issued by the Director of the Division of Taxation, which may
22 provide for a monetary penalty in lieu of a suspension.

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

26 (cf: P.L.2003, c.175, s.1)

27

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

30 7. (a) There is hereby established a special projects and
31 development fund which shall consist of all funds appropriated or
32 otherwise made available for the purposes set forth in this section.
33 The commissioner, with the approval of the Public Health Council,
34 may make grants from the special projects and development fund to
35 local health agencies, to hospitals, and to voluntary health agencies to
36 provide State health assistance for new health services and for special
37 health projects in order to stimulate continued development of health
38 services and to assure the citizens of New Jersey the benefits of the
39 most advanced health protection techniques.

40 (b) Except as provided in subsection (c) of this section, grants from
41 the special projects and development fund for specific purposes shall
42 be made on an annual basis for a period not in excess of 5 years and
43 such grants shall be in diminishing amounts during this period. The
44 commissioner shall determine the conditions applicable to each such
45 grant including the extent of local financial participation to be
46 required. Grants from the special projects and development fund to

1 voluntary health agencies shall not exceed 40% of said fund.

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

13 Each grant recipient shall report quarterly to the commissioner on
14 the number of compliance check inspections it has completed and the
15 results of those compliance checks. The commissioner shall determine
16 any other conditions applicable to the grants.

17 (2) Beginning in 1999, notwithstanding the provisions of paragraph
18 (1) of this subsection to the contrary, the commissioner may make
19 grants from the special projects and development fund to public and
20 private local agencies to reduce teenage use of addictive substances.
21 (cf: P.L.1995, c.320, s.1)
22

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

25 3. A person [18] 19 years of age or older who purchases a
26 tobacco product for a person who is under [18] 19 years of age is a
27 petty disorderly person.

28 (cf: P.L.1995, c.304, s.3)
29

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

32 2. a. The Commissioner of Health and Senior Services is
33 authorized to enforce the provisions of section 1 of P.L.2000, c.87
34 (C.2A:170-51.4) with respect to the prohibition on the sale and
35 commercial distribution of tobacco products to persons under [18] 19
36 years of age. The commissioner may delegate the enforcement
37 authority provided in this section to local health agencies, subject to
38 the availability of sufficient funding. The commissioner shall report
39 quarterly to the Legislature on the enforcement program's progress,
40 use of grants awarded pursuant to section 7 of P.L.1966, c.36
41 (C.26:2F-7), results of enforcement efforts and other matters the
42 commissioner deems appropriate.

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

46 (cf: P.L.2000, c.87, s.3)

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

3 3. a. A person who sells or gives to a person under [18] 19 years
4 of age any cigarettes made of tobacco or of any other matter or
5 substance which can be smoked, or any cigarette paper or tobacco in
6 any form, including smokeless tobacco, including an employee of a
7 retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who
8 actually sells or otherwise provides a tobacco product to a person
9 under 19 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 falsely
18 represented, by producing either a driver's license or non-driver
19 identification card issued by the [Division of Motor Vehicles in the
20 Department of Transportation] New Jersey Motor Vehicle
21 Commission, a similar card issued pursuant to the laws of another state
22 or the federal government of Canada, or a photographic identification
23 card issued by a county clerk, that the purchaser or recipient was of
24 legal age to purchase or receive the tobacco product;

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

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

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

37 (cf: P.L.2000, c.87, s.4)

38

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

41 2. Notwithstanding any other provision of law to the contrary, a
42 person to whom a license is issued pursuant to P.L.1948, c.65
43 (C.54:40A-1 et seq.) shall, as a condition of the license, conspicuously
44 post a legible sign at the point of display of the tobacco products and
45 at the point of sale. The sign, which also shall be posted
46 conspicuously on any licensed cigarette vending machine, shall be at

1 least six inches by three inches in bold letters at least one-quarter inch
2 high and shall read as follows:

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

6 Proof of age may be required for purchase."

7 (cf: P.L.1995, c.304, s.2)

8

9 7. This act shall take effect on the 90th day after enactment; except
10 that the Commissioner of Health and Senior Services may take such
11 anticipatory administrative action in advance as shall be necessary for
12 the implementation of the act.

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14

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STATEMENT

16

17 This bill raises the minimum age of a person to whom a vendor may
18 sell, offer for sale, distribute, give or furnish tobacco products in New
19 Jersey from 18 to 19 years.

20 The bill also extends the liability provided under current law (a civil
21 penalty under N.J.S.A.2A:170-51.4 and a criminal fine under
22 N.J.S.A.2C:33-13.1) for a tobacco retail dealer licensee who sells or
23 otherwise provides tobacco products in violation of the provisions of
24 this bill to an employee of the licensee who sells or otherwise provides
25 tobacco products to someone under 19 years of age.

26 The bill takes effect on the 90th day after enactment, but authorizes
27 the Commissioner of Health and Senior Services to take anticipatory
28 administrative action in advance as necessary for its implementation.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1300 and 4596**

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 1300 and 4596.

This committee substitute raises the minimum age of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey from 18 to 19 years.

The committee substitute also extends liability to employees of a licensed retail vendor who sell these products to underage persons. Under current law, a licensee who sells or otherwise provides tobacco to an underage person is subject to a civil penalty under N.J.S.A.2A:170-51.4 and a criminal fine under N.J.S.A.2C:33-13.1. Under the substitute, an employee of the licensee also would be subject to these penalties.

The substitute also amends State law governing the sale of tobacco products in non-face-to-face transactions to reflect the age increase established by the substitute.

This committee substitute is identical to Senate Bill No. 2783 (1R).

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: January 18, 2006

Codey Signs Two Major Bills into Law, Scoring Public Health Triumph for New Jersey

Codey Signs Two Major Bills into Law, Scoring Public Health Triumph for New Jersey *Laws Ban Indoor Smoking, Raise Tobacco Purchasing Age*

(TRENTON) - Governor Richard J. Codey today signed two long-awaited bills into law, achieving a major victory for public health in New Jersey. Codey signed both the New Jersey Smoke-Free Air Act, which bans smoking in most indoor public places, including bars and restaurants, and S2783, which makes New Jersey just the fourth state in the nation to raise the tobacco purchasing age from 18 to 19.

“Today is a historic day for New Jersey. After nearly 10 years of debate, public health has won a major battle in Trenton,” said Codey. “With all of the facts we know today, we need to do whatever we can to protect our workers and patrons from being exposed to the dangers of second-hand smoke. In 10 or 20 years, people will look back and thank us for having the courage to do this now. In the long run, these laws will save lives, plain and simple.”

Codey was joined by some of the bill sponsors, including senators John H. Adler (D-Camden), Joseph F. Vitale (D-Middlesex), Thomas H. Kean, Jr. (R-Essex, Morris, Somerset, Union), and Loretta Weinberg (D-Bergen) and assemblymen John F. McKeon (D-Essex) and Eric Munoz (R-Essex, Morris, Somerset, Union), as well as Department of Health and Senior Services (DHSS) Commissioner Fred M. Jacobs, M.D., J.D., representatives from the American Cancer Society and the American Heart Association and clean air advocates.

Other sponsors of the Smoke Free Air Act include assemblymen Reed Gusciora (D-Mercer), Michael Panter (D-Mercer, Monmouth) and Louis Manzo (D-Hudson). Other sponsors of S1783 include assemblymen Joseph Cryan (D-Union) and Upendra J. Chivukula (D-Middlesex, Somerset).

New Jersey now joins the ranks of ten other progressive states that have implemented similar measures to protect the public's health. The Smoke-Free Air Act requires indoor public places and workplaces, including restaurants and bars, to be smoke free, with the exception of cigar bars or lounges, tobacco retail establishments and the floors of the Atlantic City casinos.

The law, which will go into effect on April 15, 2006, carries penalties of \$250 for a first-offense smoking violation; \$500 for a second offense and \$1,000 for each subsequent offense.

“This is the most important bill I will ever sponsor,” said Adler. “It will save thousands of lives every year.”

“This has been a long time coming and we advocates for the smoking ban, as well as all residents in New Jersey, owe a great deal of gratitude to Governor Codey for getting it done,” said Weinberg.

The bill was prompted by overwhelming statistics that illustrate the dangers of second-hand smoke. It is believed that second-hand smoke causes as many as 65,000 premature deaths in the United States each year, according to the Centers for Disease Control and Prevention. Research also indicates that food service workers have the highest levels of exposure to second-hand smoke of any occupational group in the country.

“This new law is an important step forward in eliminating one of the most significant public health threats that we face today. It will have tremendous long-term health benefits for New Jersey residents, especially those exposed to second-hand smoke in the workplace. It will reduce smoking-relating illnesses and save lives for generations to come,” said Jacobs.

“Today, New Jersey joins the vanguard of states that are protecting citizens from the well-documented dangers of second-hand smoke,” said Gusciora. “Bar and restaurant employees and customers who have made the conscious decision not to smoke have been put at risk simply because of the dangers of secondhand smoke. Hopefully the ban will help smokers realize the negative effects of smoking and be an impetus for them to quit.”

“As legislators, there are a lot of dangers we wish we could eliminate with the push of a button,” said Panter. “This law presents a unique opportunity. Simply by supporting it, we are able to protect our constituents from the indisputable hazards of second-hand smoke.”

“Today, we take the step to protect the thousands of New Jersey employees who are forced every day to work eight to 10 hours in smoking environments,” said Manzo. “One day, I hope that every public building in the state will be smoke-free.”

“New Jersey has taken two great steps forward to a healthier future for all residents,” said McKeon, a co-sponsor of the smoking ban and lead sponsor of the purchasing age increase. “Banning smoking in nearly all public places will protect the health of millions of residents who have unwillingly been forced to breathe dirty air. And by increasing the age at which young adults can purchase cigarettes, we are working to keep future generations smoke-free.”

Codey also signed S2783 into law, which is geared towards keeping tobacco out of the hands of young people and preventing them from developing the dangerous habit of

smoking. The law makes New Jersey just the fourth state in the nation, and the first in the Northeast, to raise the legal age for purchasing tobacco from 18- to 19-years old. This law will also go into effect on April 15, 2006.

“Most first-time smokers are young and feel invincible,” said Codey. “If we can prevent even a few kids from picking up this deadly habit, then our efforts will have been worthwhile.”

According to the American Cancer Society, 90 percent of all smokers begin to smoke before they turn 18 years old. Each day in the United States, approximately 4,000 youths age 12 to 17 try their first cigarette. And, in New Jersey, one third of the state’s high school students currently smoke cigarettes, according to a survey by DHSS.

Cigarette smoking by young people can lead to serious health problems, including cough and phlegm production, decreased physical fitness, an increase in the number and severity of respiratory illnesses, adverse changes in blood cholesterol levels and reduced rates of lung growth and function. If current trends continue, an estimated 6.4 million children today can be expected to die prematurely from a smoking-related illness.

Raising the tobacco purchasing age to 19, will make it illegal for virtually all high school students to purchase cigarettes and less likely that they would share them with younger students. It will also help tobacco vendors enforce the law by making it easier for them to identify younger teenagers trying to buy cigarettes.

“Too many of our kids today are lighting up in high school, and they are letting their actions be guided, not by maturity and wisdom, but by peer pressure,” said Vitale, chairman of the Senate Health, Human Services and Senior Citizens Committee. “By increasing the age at which kids can purchase cigarettes, we will remove much of the temptation from our schools, and hopefully give our kids the clarity of mind to just say no.”

“We must protect our kids against the lifetime of health problems that can be attributed directly to cigarette smoking,” said Chivukula. “Kids who are deterred from smoking are more likely to become healthier adults who do not smoke.”

While all states have laws making it illegal to sell cigarettes to anyone under the age of 18, this new legislation will make New Jersey just the fourth state in the nation, behind Alabama, Alaska and Utah, to raise the age requirement to 19.

For additional information on youth smoking statistics and prevention and cessation programs, visit: <http://www.state.nj.us/health/as/ctcp/index.html> .

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