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SYNOPSIS
Prohibits sale or distribution of flavored vapor products.

CURRENT VERSION OF TEXT
As reported by the Senate Budget and Appropriations Committee on January 9, 2020, with amendments.

(Sponsorship Updated As Of: 1/14/2020)
AN ACT concerning [electronic smoking devices] vapor products and supplementing Title 2A of the New Jersey Statutes.

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

1. a. No [person] retailer, either directly or indirectly by an agent or employee, or by a vending machine owned by the [person] retailer or located in the [person's] retailer's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person [electronic smoking device or any cartridge or other component of the device or other related product, including liquid nicotine.] vapor product that has a characterizing flavor.

b. A [person who] retailer that violates the provisions of subsection a. of this section shall be liable to a civil penalty of not less than $250 $500 for the first violation, not less than $500 $1,000 for the second violation, and $1,000 not less than $2,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality shall issue a summons for a violation of the provisions of subsection a. of this section, and shall serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

c. In addition to the provisions of subsection b. of this section, the Division of Taxation in the Department of the Treasury:

(1) shall, upon a third and each subsequent violation of the provisions of subsection a. of this section, following a hearing by the municipality, suspend, for a period of not less than three years, the license issued under section 4 of P.L.2019, c.147 (C.54:40B-3.3) of a vapor business; and

(2) notwithstanding the provisions of paragraph (1) of this subsection, upon a fourth or subsequent violation of the provisions of subsection a. of this section, may, upon recommendation by 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.
Matter enclosed in superscript numerals has been adopted as follows:
Senate SBA committee amendments adopted January 9, 2020.
municipality and following a hearing by the municipality, revoke
the license issued under section 4 of P.L.2019, c.147 (C.54:40B-
3.3) of a vapor business.

A licensee whose license is subject to suspension or revocation
shall additionally be subject to administrative charges, based on a
schedule issued by the Director of the Division of Taxation.

d. Nothing in this section shall be construed to apply to
medical cannabis, medical cannabis products, paraphernalia, or
related supplies dispensed to or on behalf of a registered qualifying
patient pursuant to the “Jake Honig Compassionate Use Medical

e. As used in this section:
"Characterizing flavor" means a distinguishable flavor, taste, or
aroma "other than tobacco", including, but not limited to, any fruit,
chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage,
herb, "mint, menthol, wintergreen," or spice flavoring, that is
imparted, prior to or during consumption, by an electronic
smoking device or any cartridge or other component of the device
or other related vapor product, including liquid nicotine, or
any smoke or vapor emanating from that device or product.

An electronic smoking device or any cartridge or other
component of the device or other related product, including liquid
nicotine, shall be deemed to have a characterizing flavor if the device, cartridge, component, or
related product is advertised or marketed as having or producing
any such distinguishable flavor, taste, or aroma.

"Electronic smoking device" means an electronic device that
can be used to deliver nicotine or other substances to the person
inhaling from the device, including, but not limited to, an electronic
cigarette, cigar, cigarillo, hookah, or pipe.

"Liquid nicotine" means any solution containing nicotine which
is designed or sold for use with an electronic smoking device.

“Vapor product” means any device that may be used to deliver
any aerosolized or vaporized substance to the person inhaling from
the device, including, but not limited to, an e-cigarette, e-cigar, e-
pipe, vape pen, or e-hookah. “Vapor product” includes any
component, part, or accessory of the device, and also includes any
substance that may be aerosolized or vaporized by such device,
regardless of whether the substance contains nicotine. “Vapor
product” does not include any drug, device, or combination product
approved by the federal Food and Drug Administration pursuant to

2. This act shall take effect immediately 90 days after the
date of enactment.