

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3992

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2024

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3992.

As amended, this bill increases the penalties for certain prohibited sales of tobacco and vapor products.

The bill amends current law to revise the prohibition on the sale of tobacco to persons under the age of 21. Under the bill, no retailer is to sell to a person under 21 years of age any “tobacco product,” which is defined in the bill to mean: any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus; any vapor product; and any component, part, or accessory of a product containing, made of, or derived from tobacco or nicotine or a vapor product, regardless of whether the component, part, or accessory contains tobacco or nicotine. “Tobacco product” includes, but is not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes. “Tobacco product” does not include any drug, device, or combination product approved by the federal Food and Drug Administration pursuant to the “Federal Food, Drug, and Cosmetic Act,” 21 U.S.C. s.301 et seq.

The bill increases fines for a violation of the above prohibition from not less than \$250 to \$750 for the first violation, from not less than \$500 to \$1,500 for the second violation, and from \$1,000 to \$3,000 for the third and each subsequent violation. Five percent of the penalties recovered under the bill are to be transferred to the Department of Health and are to be used by the department to fund educational programs and outreach initiatives to inform the public, retailers, and minors of the dangers of vapor products and the consequences of selling or using vapor products illegally.

The bill provides that the Division of Taxation in the Department of the Treasury (division) is to establish a process by which retail dealers report to the division efforts on behalf of the retail dealer to comply with the above prohibition. The division is to also establish a mechanism by which an individual may anonymously report to the division a violation of the above prohibition.

COMMITTEE AMENDMENTS:

The committee amendments increase financial penalties, remove a provision concerning violations and penalties for certain small businesses, and make a technical change involving citation.