

SENATE, No. 4114

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/22/2021)

1 AN ACT concerning tobacco product retailers and supplementing
2 Title 2A of the New Jersey Statutes.

3

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

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7 1. a. Any entity, other than a cigar shop, that sells, offers for
8 sale, or distributes for commercial purpose any tobacco product
9 shall maintain a stock of, and offer for retail sale, at least one type
10 of nicotine replacement therapy drug, device, or combination
11 product that has been approved by the federal Food and Drug
12 Administration for cessation of tobacco use pursuant to the “Federal
13 Food, Drug, and Cosmetic Act,” 21 U.S.C. s.301 et seq.

14 b. An entity that is subject to the requirements of subsection a.
15 of this section shall have the discretion to determine:

16 (1) the number and type of nicotine replacement therapy
17 products that the entity will stock and offer for sale;

18 (2) the quantity of each nicotine replacement therapy product
19 that is stocked and offered for sale; and

20 (3) whether the entity will stock and offer for sale more than one
21 type of nicotine replacement therapy product.

22 c. An entity that is subject to the requirements of subsection a.
23 of this section that sells out of the entity’s full stock of nicotine
24 replacement therapy products shall have five business days to place
25 an order for a new stock of a nicotine replacement therapy product,
26 and shall have 14 days from the date the entity sells its last nicotine
27 replacement therapy product to again stock and offer for retail sale
28 a nicotine replacement therapy product.

29 d. An entity that is subject to the requirements of subsection a.
30 of this section shall:

31 (1) display nicotine replacement therapy products that are
32 offered for retail sale in a location behind the sales counter;

33 (2) provide printed notice within the establishment that nicotine
34 replacement therapy products are available for retail sale at that
35 location; and

36 (3) display the official logo, phone number, and Internet address
37 of the NJ Smoking Quitline or a successor program.

38 e. The Commissioner of Health may establish requirements
39 concerning how and where materials described in paragraphs (2)
40 and (3) of subsection c. of this section shall be displayed, as well as
41 requirements concerning the size and other characteristics of the
42 materials.

43 f. As used in this section:

44 “Cigar shop” means a retail establishment wherein the only
45 tobacco products and products related to tobacco use that are
46 available for sale or commercial distribution are cigars and cigar
47 accessories, including lighters, cigar cutters, humidors, and cigar

S4114 CODEY

1 carrying tubes. An establishment shall be considered a cigar shop
2 for the purposes of this section regardless of whether the
3 establishment offers other, non-tobacco products for sale or
4 commercial distribution.

5 “Tobacco product” means any product containing, made of, or
6 derived from tobacco or nicotine that is intended for human
7 consumption or is likely to be consumed, whether inhaled,
8 absorbed, or ingested by other means, including, but not limited to,
9 a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus;
10 any vapor product; and any component, part, or accessory of a
11 product containing, made of, or derived from tobacco or nicotine or
12 a vapor product, regardless of whether the component, part, or
13 accessory contains tobacco or nicotine. “Tobacco product”
14 includes, but is not limited to, filters, rolling papers, blunt or hemp
15 wraps, hookahs, and pipes.

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17 2. This act shall take effect 60 days after the date of enactment.

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STATEMENT

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22 This bill requires any entity that sells, offers for sale, or
23 distributes for commercial purpose any tobacco product to maintain
24 a stock of, and offer for retail sale, at least one type of nicotine
25 replacement therapy drug, device, or combination product that has
26 been approved by the federal Food and Drug Administration for
27 cessation of tobacco use pursuant to the “Federal Food, Drug, and
28 Cosmetic Act,” 21 U.S.C. s.301 et seq. This requirement will not
29 apply to cigar shops, which are defined under the bill to mean retail
30 establishments wherein the only tobacco products and products
31 related to tobacco use that are available for sale or commercial
32 distribution are cigars and cigar accessories.

33 An entity that is subject to these requirements will have the
34 discretion to determine the number and type of nicotine replacement
35 therapy products that the entity will stock and offer for sale, as well
36 as the quantity of the product that is stocked and offered for sale
37 and whether the entity will stock and offer for sale more than one
38 type of nicotine replacement therapy product. All nicotine
39 replacement therapy products offered for retail sale are to be
40 displayed in a location that is behind the sales counter.

41 An entity that sells out of the entity’s full stock of nicotine
42 replacement therapy products will have five business days to place
43 an order for a new stock of nicotine replacement therapy products,
44 and will have 14 days from the date the entity sells its last nicotine
45 replacement therapy product to again stock and offer for retail sale
46 a nicotine replacement therapy product.

S4114 CODEY

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1 The entity will be required to additionally display: 1) printed
2 notice that nicotine replacement therapy products are available for
3 retail sale at that location; and 2) the official logo, phone number,
4 and Internet address of the NJ Smoking Quitline or a successor
5 program. The Commissioner of Health may establish requirements
6 concerning how and where these materials are to be displayed, as
7 well as requirements concerning the size and other characteristics of
8 the materials.