

CHAPTER 475

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

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

C.2A:170-51.14 Tobacco sellers to offer at least one type of nicotine replacement therapy drug, device, combination product; definitions.

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

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

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

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

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

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

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

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

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

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

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

f. As used in this section:

“Cigar shop” means a retail establishment wherein the only tobacco products and products related to tobacco use that are available for sale or commercial distribution are cigars and cigar accessories, including lighters, cigar cutters, humidors, and cigar carrying tubes. An establishment shall be considered a cigar shop for the purposes of this section regardless of whether the establishment offers other, non-tobacco products for sale or commercial distribution.

“Tobacco product” means 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.

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

Approved January 18, 2022.