CHAPTER 226

AN ACT concerning electronic smoking devices and tobacco products, amending P.L.2000, c.87 and P.L.1999, c.90, 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:170-51.4a Delivery requirements for tobacco products, electronic smoking devices.

1. a. No person shall complete a delivery of a tobacco product or electronic smoking device to a residence without first obtaining, upon delivery of the tobacco product or electronic smoking device, the signature of an individual who is at least 21 years of age and who resides in that residence. Consistent with federal law, the provisions of this subsection shall not apply to an individual performing his or her assigned duties as an employee of the United States Postal Service.

b. No person shall place a tobacco product or electronic smoking device for delivery to a residence in this State unless the outside of the package, which contains the tobacco product or electronic smoking device, clearly indicates that there is a tobacco product or electronic smoking device within the package.

c. A violation of this section shall constitute a violation of subsection a. of section 1 of P.L.2000, c.87 (C.2A:170-51.4) and section 3 of P.L.1999, c.90 (C.2C:33-13.1).

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

C.2A:170-51.4 Sale, distribution of tobacco, electronic smoking device to persons under age 21; prohibited; civil penalties.

1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, complete a delivery to a residence without first obtaining, upon delivery, the signature of an individual who is at least 21 years of age and who resides in that residence, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give, or furnish to a person under 21 years of age:

(1) any cigarettes made of tobacco or of any other matter or substance which can be smoked or any cigarette paper or tobacco in any form, including smokeless tobacco; or

(2) any electronic smoking 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, or pipe, or any cartridge or other component of the device or related product.

Consistent with federal law, the provisions of this subsection shall not apply to an individual performing his or her assigned duties as an employee of the United States Postal Service.

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

that the purchaser of the tobacco product or electronic smoking device, the individual signing for the delivery of the tobacco product or electronic smoking device, or the recipient of the promotional sample falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to make the purchase, sign for the delivery, or receive the sample.

c. A person who violates the provisions of subsection a. of this section, including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a tobacco product to a person under 21 years of age, shall be liable

to a civil penalty of not less than $500 for the first violation, not less than $1,000 for the second violation, and $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 may issue a summons for a violation of the provisions of subsection a. of this section and may 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.

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

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

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

C.2C:33-13.1 Providing certain items to a person under 21 years of age, petty disorderly persons offense.

3. a. A person who delivers, sells, or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking 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, or pipe, or any cartridge or other component of the device or related product, or any cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or employee of a licensed cannabis establishment, cannabis distributor, or cannabis delivery service under P.L.2021, c.16 (C.24:6I-31 et al.), who actually sells or otherwise provides a tobacco product, electronic smoking device, or cannabis item to a person under 21 years of age, shall be punished by a fine as provided for a petty disorderly persons offense. Consistent with federal law, the provisions of this subsection shall not apply to an individual performing his or her assigned duties as an employee of the United States Postal Service. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

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

that the purchaser or recipient of the tobacco product, electronic smoking device, or cannabis item falsely represented, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in

subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), that the purchaser or recipient was of legal age to purchase or receive the tobacco product, electronic smoking device, or cannabis item.

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or electronic smoking devices or section 64 of P.L.2021, c.16 (C.2C:35-10d) or section 6 of P.L.2021, c.25 (C.2A:170-51.11) concerning cannabis items.

4. The Department of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations as are necessary to effectuate the provisions of this act.

5. This act shall take effect 180 days after enactment.

Approved January 12, 2026.