

[First Reprint]

ASSEMBLY, No. 425

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblyman MICHAEL VENEZIA

District 34 (Essex)

Assemblywoman TENNILLE R. MCCOY

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson, Tucker, Assemblymen Sampson, Bailey, Assemblywomen Morales, Collazos-Gill, Speight, Carter and Donlon

SYNOPSIS

Increases penalties for certain prohibited sales of tobacco and vapor products.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on October 22, 2026, with amendments.



(Sponsorship Updated As Of: 6/23/2026)

1 AN ACT concerning tobacco and vapor products, and amending
2 P.L.2000, c.87 and P.L.1987, c.423.

3

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

6

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

9 1. a. No **[person]** retailer, either directly or indirectly by an
10 agent or employee, or by a vending machine owned by the **[person]**
11 retailer or located in the **[person's]** retailer's establishment, shall
12 sell, offer for sale, distribute for commercial purpose at no cost or
13 minimal cost or with coupons or rebate offers, give or furnish, to a
14 person under 21 years of age¹:

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

18 (2) any electronic smoking device that can be used to deliver
19 nicotine or other substances to the person inhaling from the device,
20 including, but not limited to, an electronic cigarette, cigar, cigarillo,
21 or pipe, or any cartridge or other component of the device or
22 related¹ any tobacco product.

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

26 (1) that the purchaser of the tobacco product **[or electronic**
27 **smoking device]** or the recipient of the promotional sample falsely
28 represented, by producing either a driver's license or non-driver
29 identification card issued by the New Jersey Motor Vehicle
30 Commission, a similar card issued pursuant to the laws of another
31 state or the federal government of Canada, or a photographic
32 identification card issued by a county clerk, that the purchaser or
33 recipient was of legal age to make the purchase or receive the
34 sample;

35 (2) that the appearance of the purchaser of the tobacco product
36 **[or electronic smoking device]** or the recipient of the promotional
37 sample was such that an ordinary prudent person would believe the
38 purchaser or recipient to be of legal age to make the purchase or
39 receive the sample; and

40 (3) that the sale or distribution of the tobacco product **[or**
41 **electronic smoking device]** was made in good faith, relying upon
42 the production of the identification set forth in paragraph (1) of this
43 subsection, the appearance of the purchaser or recipient, and in 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:

¹Assembly AAP committee amendments adopted October 22, 2026.

1 reasonable belief that the purchaser or recipient was of legal age to
2 make the purchase or receive the sample.

3 c. (1) A ~~person who~~ retailer that violates the provisions of
4 subsection a. of this section~~],~~ including an employee of a retail
5 dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who
6 actually sells or otherwise provides a tobacco product to a person
7 under 21 years of age,~~]~~ shall be liable to a civil penalty of ~~[not less~~
8 ~~than \$250]~~ \$750 for the first violation, ~~[not less than \$500]~~ \$1,500
9 for the second violation, and ~~[\$1,000]~~ \$3,000 for the third and each
10 subsequent violation. The civil penalty shall be collected pursuant
11 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.), in a summary proceeding before the municipal
13 court having jurisdiction. An official authorized by statute or
14 ordinance to enforce the State or local health codes or a law
15 enforcement officer having enforcement authority in that
16 municipality may issue a summons for a violation of the provisions
17 of subsection a. of this section, and may serve and execute all
18 process with respect to the enforcement of this section consistent
19 with the Rules of Court. A penalty ~~'[recovered]~~ assessed by the
20 court against a defendant¹ under the provisions of this subsection
21 shall be ~~'[recovered by and in the name of the State by the local~~
22 ~~health agency. The penalty shall be paid]~~ transferred¹ into the
23 treasury of the municipality in which the violation occurred for the
24 general uses of the municipality.

25 (2) Five percent of the penalties recovered under the provisions
26 of this subsection shall be transferred ¹by the municipality¹ to the
27 Department of Health and shall be used by the department to fund
28 educational programs and outreach initiatives to inform the public,
29 retailers, and minors of the dangers of vapor products and the
30 consequences of selling or using vapor products illegally.

31 d. (1) In addition to the provisions of subsection c. of this
32 section, upon the recommendation of the municipality, following a
33 hearing by the municipality, the Division of Taxation in the
34 Department of the Treasury ~~'[may]~~ shall¹ suspend or, after a
35 second or subsequent violation of the provisions of subsection a. of
36 this section, revoke the license issued under section 202 of
37 P.L.1948, c.65 (C.54:40A-4) of a retail dealer. The licensee shall
38 be subject to administrative charges, based on a schedule issued by
39 the Director of the Division of Taxation ¹~~],~~ which may provide for
40 a monetary penalty in lieu of a suspension~~]~~¹.

41 (2) The Division of Taxation in the Department of the Treasury
42 shall establish a process by which retail dealers report to the
43 division efforts on behalf of the retail dealer to comply with the
44 provisions of subsection a. of this section.

45 (3) The Division of Taxation in the Department of the Treasury
46 shall establish a mechanism by which an individual may

1 anonymously report to the division a violation of the provisions of
2 subsection a. of this section.

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

6 f. As used in this section:

7 “Tobacco product” means: any product containing, made of, or
8 derived from tobacco or nicotine that is intended for human
9 consumption or is likely to be consumed, whether inhaled,
10 absorbed, or ingested by other means, including, but not limited to,
11 a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus;
12 any vapor product; and any component, part, or accessory of a
13 product containing, made of, or derived from tobacco or nicotine or
14 a vapor product, regardless of whether the component, part, or
15 accessory contains tobacco or nicotine. “Tobacco product”
16 includes, but is not limited to, filters, rolling papers, blunt or hemp
17 wraps, hookahs, and pipes. “Tobacco product” does not include
18 any drug, device, or combination product approved by the federal
19 Food and Drug Administration pursuant to the “Federal Food, Drug,
20 and Cosmetic Act,” 21 U.S.C. s.301 et seq.

21 “Vapor product” means any device that may be used to deliver
22 any aerosolized or vaporized substance to the person inhaling from
23 the device, including, but not limited to, an e-cigarette, e-cigar, e-
24 pipe, vape pen, or e-hookah. “Vapor product” includes any
25 component, part, or accessory of the device, and also includes any
26 substance that may be aerosolized or vaporized by such device,
27 regardless of whether the substance contains nicotine. “Vapor
28 product” does not include any drug, device, or combination product
29 approved by the federal Food and Drug Administration
30 pursuant to the “Federal Food, Drug, and Cosmetic Act,” 21 U.S.C.
31 s.301 et seq.

32 (cf: P.L.2017, c.118, s.2)

33
34 ¹**[2.** Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is
35 amended to read as follows:

36 2. Notwithstanding any other provision of law to the contrary, a
37 person to whom a license is issued pursuant to P.L.1948, c.65
38 (C.54:40A-1 et seq.) shall, as a condition of the license, conspicuously
39 post a legible sign at the point of display of the tobacco products and at
40 the point of sale. The sign, which also shall be posted conspicuously
41 on any licensed cigarette vending machine, shall be at least six inches
42 by three inches in bold letters at least one-quarter inch high and shall
43 read as follows:

44 "A **[person who]** retailer that sells or offers to sell a tobacco
45 product to a person under 21 years of age shall pay a penalty of up to
46 **[\$1,000]** \$3,000 and may be subject to a license suspension or
47 revocation.**]**¹

1 ¹2. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to
2 read as follows:

3 2. Notwithstanding any other provision of law to the contrary,
4 a person to whom a license is issued pursuant to P.L.1948, c.65
5 (C.54:40A-1 et seq.) shall, as a condition of the license,
6 conspicuously post a legible sign at the point of display of the
7 tobacco products and at the point of sale. The sign, which also shall
8 be posted conspicuously on any licensed cigarette vending machine,
9 shall be at least six inches by three inches in bold letters at least
10 one-quarter inch high and shall read as follows:

11 "A **person who** retailer that sells or offers to sell a tobacco
12 product to a person under 21 years of age shall pay a penalty of up
13 to **[\$1,000]** \$3,000 and **may** shall be subject to a license
14 suspension or revocation.

15 Proof of age may be required for purchase."¹

16 (cf: P.L.2017, c.118, s.6)

17

18 3. This act shall take effect 180 days after the date of enactment.