

[First Reprint]

ASSEMBLY, No. 3259

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblyman DAN HUTCHISON

District 4 (Atlantic, Camden and Gloucester)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

Co-Sponsored by:

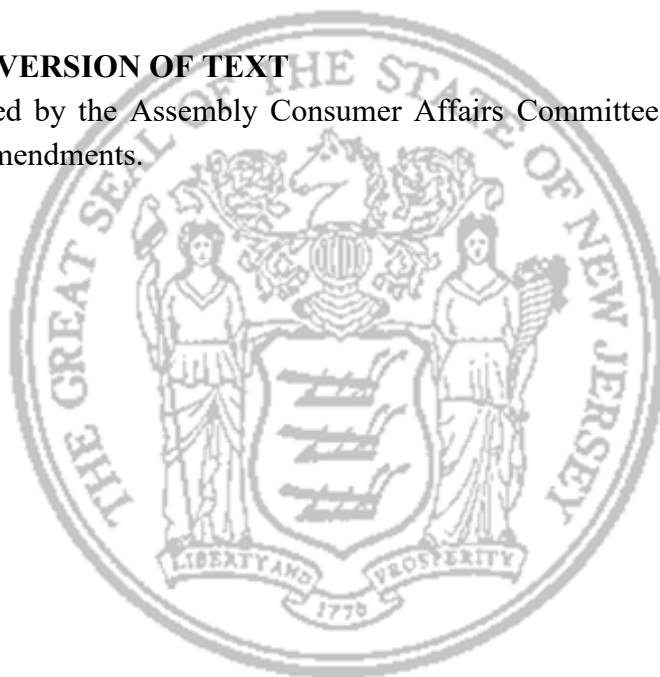
Assemblyman Walker and Assemblywoman Brennan

SYNOPSIS

Requires retail food establishments to provide disclosures for certain caffeinated beverages.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on October 5, 2026, with amendments.



(Sponsorship Updated As Of: 6/8/2026)

1 AN ACT concerning retail food establishments and supplementing
2 Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. For purposes of this section:

8 “Menu” means a printed list of the names or images of a beverage
9 item or items, and the primary writing or similar signage of a retail
10 food establishment from which a customer makes an order selection.
11 Menus shall include breakfast, lunch, and dinner menus; dessert
12 menus; beverage menus; children’s menus; other specialty menus;
13 electronic menus; and menus available on the Internet, and may be in
14 various forms, including booklets, pamphlets, single sheets of paper,
15 or electronic screens. Menus shall also include menu boards inside the
16 retail food establishment, as well as drive-through menu boards
17 outside the food retail establishment.

18 “Retail food establishment” means the same as the term is
19 defined in subsection 1. of ¹section 2 of¹ P.L.2009, c.306 (C.26:3E-
20 17).

21 “Temporary menu item” means an item that appears on a menu
22 or menu board for less than a total of 60 days per calendar year.
23 The 60 days shall include the total of consecutive and non-
24 consecutive days the item appears on the menu.

25 b. Any retail food establishment organized under the laws of
26 this State shall clearly and conspicuously display a disclosure for
27 any beverage offered for sale, whether as a standard or temporary
28 menu item, that contains at least ¹~~80~~ 200¹ milligrams or more of
29 total caffeine per serving. The disclosure for these beverage items
30 shall have the statement “High caffeine” or another similar warning,
31 icon, or symbol approved by the commissioner. The disclosure
32 shall appear directly next to the name of the beverage item and be
33 clearly associated with it on all menus, including drive-through
34 menu boards.

35 ¹The provisions of this subsection shall not apply to beverages
36 containing naturally occurring caffeine including, but not limited to,
37 coffee, tea, and cocoa. The disclosure requirement shall only apply
38 to beverages where caffeine has been intentionally added or
39 chemically synthesized to increase the total caffeine content beyond
40 the beverage’s naturally occurring caffeine levels.¹

41 c. The Department of Health or the local board of health or the
42 board, body, or officers exercising the functions of the local board
43 of health according to law, upon written complaint or having reason
44 to suspect that a violation of this section has occurred, shall, by

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 ACO committee amendments adopted October 5, 2026.

1 written notification, advise the proprietor of the retail food
2 establishment accordingly and order appropriate action to be taken.

3 d. A proprietor of a retail food establishment who violates the
4 provisions of this section shall be subject to a penalty of not less
5 than \$200 or more than \$500 for the first offense, and not less than
6 \$500 or more than \$1,000 for the second or any subsequent offense.
7 A municipal court shall have jurisdiction over proceedings to
8 enforce and collect any penalty imposed because of a violation of
9 this section if the violation has occurred within the territorial
10 jurisdiction of the court. The proceedings shall be summary and in
11 accordance with the "Penalty Enforcement Law of 1999," P.L.1999,
12 c.274 (C.2A:58-10 et seq.). Process shall be in the nature of a
13 summons or warrant and shall issue only at the suit of the
14 Commissioner of Health or the local board of health, as the case
15 may be, as plaintiff.

16 When the plaintiff is the Commissioner of Health, the penalty
17 recovered shall be paid by the commissioner into the State
18 ¹~~['treasury'] Treasury~~¹. When the plaintiff is a local board of health,
19 the penalty recovered shall be paid by the local board into the
20 treasury of the municipality where the violation occurred.

21 e. The provisions of this section shall not be construed to
22 create or enhance any claim, right of action, or civil liability that
23 did not previously exist under State law or limit any claim, right of
24 action, or civil liability that otherwise exists under State law.

25 f. There shall be no private right of action against the
26 proprietor of a retail food establishment for failure to comply with
27 the provisions of this section.

28 g. To the extent consistent with federal law, the provisions of
29 this section, as well as any other State law regulating disclosures for
30 beverages containing at least ¹~~['80'] 200~~¹ milligrams or more of
31 total caffeine per serving, shall be a matter of Statewide concern
32 and shall occupy the entire field of regulation regarding the
33 disclosure of such beverages by a retail food establishment, as well
34 as content required to be posted on menus, menu board systems or
35 similar signage, or stanchions, as applicable.

36 No ordinance or regulation of a local government or local board
37 of health shall regulate the dissemination of information regarding
38 beverages containing at least ¹~~['80'] 200~~¹ milligrams or more of
39 total caffeine per serving or the content required to be placed on
40 menus, menu board systems or similar signage, or stanchions by a
41 retail food establishment. Any local government or local board of
42 health ordinance or regulation that violates this prohibition is void
43 and shall have no force or effect.

44 h. In accordance with the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health
46 may promulgate rules and regulations to effectuate the provisions of
47 this section.

- 1 2. This act shall take effect on the tenth month following the
- 2 date of enactment, except that the Commissioner of Health may
- 3 take any anticipatory administrative action in advance as shall be
- 4 necessary for the implementation of this act.