

NEW TOBACCO POLICIES IN NJ

STATE VS. FEDERAL CHANGES WHAT YOU NEED TO KNOW

NJ LAW FOR PROHIBITING THE SALE OF FLAVORED E-CIGARETTES

Governor Phil Murphy signed into law NJ Code 2A:170-51.12 that prohibits sale or distribution of flavored electronic smoking devices (e-cigarettes) and related products effective on 4/20/20. Note: This prohibition applies to e-cigarettes only and does not extend to other tobacco products.

- This law prohibits the sale, offer for sale, and distribution of all e-cigarettes and related products or any smoke or vapor from the device or product, that imparts a distinguishable flavor, taste, or aroma prior to or during consumption.
- The law also includes any cartridge or other component of the device or other related product, including liquid nicotine, that is designed or sold for use with any e-cigarette.

Read more about these changes: <https://bit.ly/2WxXrID>

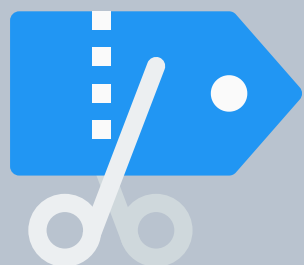


NJ COUPON PROHIBITION FOR TOBACCO PRODUCTS

Governor Murphy also signed into law NJ Code 2A:170-51.11 that prohibits the use of coupons, price reductions, and price rebates in connection with the sale or offer for sale of tobacco and e-cigarette products to consumers at retail.

The prohibition extends to online coupons and promotional discount codes, but would not apply to coupons or discount codes for smoking cessation products.

Read more about the coupon prohibition: <https://bit.ly/2KuxaW0>

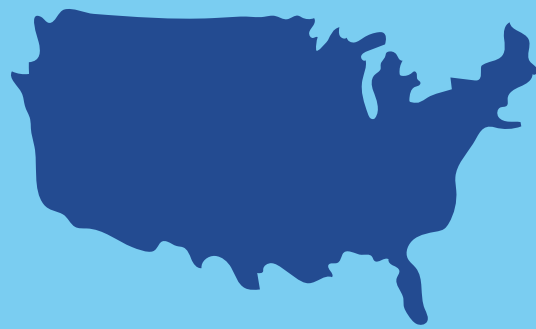


FEDERAL ENFORCEMENT PRIORITIES FOR E-CIGARETTE PRODUCTS

The FDA finalized their enforcement policy on unauthorized flavored cartridge-based e-cigarettes.

- As a result, companies nationwide were given 30 days (effective February 2020) to cease the production, distribution and sale of any flavored cartridge-based product, excluding tobacco or menthol.
- FDA enforcement measures will also focus on manufacturers that fail to prevent access by minors or target and promote their use of these products.

For more details about FDA's Policy, visit: <https://bit.ly/3aAgZ4s>.



FAQ'S

Should I follow the NJ Code or the Federal Enforcement Priorities?

- You must follow both NJ Code 2A:170-51.12 and FDA regulations. The NJ Code for prohibiting the sale of flavored e-cigarettes covers additional restrictions for e-cigarette devices and related products that can not be sold or distributed in the state.

Does the NJ coupon prohibition apply to only flavored e-cigarettes?

- No, it applies to ALL tobacco products.

Can my municipality do anything to help limit youth access to tobacco products?

- Yes, municipal policies can be enacted that limit the density and proximity of stores that sell tobacco products near places like schools and parks.

Please note, the information provided does not, and is not intended to, constitute legal advice.

