

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE

# 2814-16

AN ORDINANCE  
TO  
PROHIBIT THE SALE OF  
TOBACCO AND NICOTINE  
DELIVERY PRODUCTS  
TO PERSONS UNDER THE  
AGE OF TWENTY-ONE (21)

*"Interpretive Statement"*

*This Ordinance will prohibit the sale of tobacco and nicotine delivery products to persons under the age of twenty-one (21) within the Township of Maplewood.*

WHEREAS, tobacco use and addiction mostly begin during youth and young adulthood;  
and

WHEREAS, nicotine exposure during adolescence can cause addiction, may harm brain development and could lead to sustained tobacco product use among youths; and

WHEREAS, use of emerging tobacco products including e-cigarettes, is on the rise among middle and high school students; and

WHEREAS, it is critical that comprehensive tobacco control and prevention strategies of all tobacco products be implemented.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey as follows:

**FIRST: Definitions:**

HEALTH DEPARTMENT shall mean the Maplewood Township Health Department.

HEALTH OFFICER shall mean the Maplewood Township Health Officer ("Health Officer") and/or his/her authorized representative.

NICOTINE DELIVERY PRODUCT shall mean any product that is designed to deliver nicotine or vapor, including, but not limited to, what are commonly known as "e-cigarettes or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including but not limited to any substances used in such devices,

such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

PERSON shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any their legal entity.

TOBACCO shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling and other personal use including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOBACCO RETAILER shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE shall mean any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispense nicotine delivery products, cigarettes, or other tobacco products.

TOBACCO VENDING MACHINE LOCATION shall mean the room, enclosure, space or area where a tobacco vending machine is installed and operated.

**SECOND: Retail Sale of Tobacco Products**

A. No person shall sell tobacco or nicotine delivery products in Township of Maplewood unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machine of tobacco or nicotine delivery products are prohibited.

B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of twenty-one (21).

C. Tobacco Retailers shall conspicuously post and reasonably maintain signs having a minimum size of six inches by eight inches where tobacco or nicotine delivery products are displayed and at all check-out which states: **“Sale of tobacco products and e-cigarettes to persons under the age of twenty-one (21) is prohibited by Maplewood Township Ordinance.”**

D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing the products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of

twenty-six (26). No clerk shall sell tobacco or nicotine delivery products to a person less than twenty-one (21) years of age who has a note or any form of communication from any person, including an adult.

E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read this Ordinance and has signed a statement that the employee has read this Ordinance. Such form statement will be supplied by the Health Department and the signed original statement shall be filed with the Health Department and a copy shall be kept on file by the tobacco retailer and made available for review by the Health Department.

**THIRD: Enforcement**

A. The enforcement authority for this Ordinance shall be the Township of Maplewood Health Officer or his/her designee and officers of the Maplewood Police Department.

B. The Township of Maplewood Health Officer may, after giving proper identification, inspect any matter, thing, premise, place, person, record, vehicle, incident, or event as necessary to execute his or her official duties in a manner prescribed by law.

C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the Health Officer in his enforcement of this Ordinance, and the Health Officer may request the assistance of the Maplewood Township Police Department or other police agency or peace officer when necessary to execute his or her official duties in a manner prescribed by law.

D. Citizens may bring complaints against violators of this Ordinance.

**FOURTH: Penalties**

A. A person who violates the provisions of this Ordinance, including any employee of a retail dealer license under P.L. 1948, c65 (C.54:40A-1, *et seq.*) who actually sells or otherwise provides tobacco product to a person under twenty-one (21) years of age, shall be liable for a civil penalty of \$250.00 for the first violation, \$500.00 for the second violation, and \$1,000.00 for the third and each subsequent violation. Complaint shall be made in the Maplewood Municipal Court.

B. Each sale of tobacco and/or nicotine delivery product to any person under the age of twenty-one (21) shall constitute a separate violation.

C. In addition to the penalties set forth in subsection 4.A above, the Maplewood Township Board of Health may suspend the Retail Food Establishment License of any person convicted of violation of this Ordinance, for a period of not more than three (3) days, pursuant to the

authority of the Board of Health to license and regulate food establishments as provided by N.J.S.A. 26:3-31(c).

**FIFTH: Severability**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SIXTH: Repeal of Prior Ordinances**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**SEVENTH: Effective Date**

This Ordinance shall take effect sixty (60) days after its passage and publication and as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on May17, 2016, and that the Township Committee met again on June 8, 2016, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

**ELIZABETH J. FRITZEN, R.M.C.**  
Township Clerk