PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that **"ORDINANCE BOH 2015-01 ENTITLED, AN ORDINANCE PROBITING THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) AND REPLACING BOARD OF HEALTH ORDINANCE 93-05.",** received initial passage after a first reading by the Princeton Board of Health on Thursday, March 26, 2015. This ordinance is posted in both municipal buildings and distributed to local media.

NOTICE IS FURTHER GIVEN that said ordinance will have a second reading and public hearing for final passage at a meeting of the Princeton Board of Health meeting on April 21, 2015 at 7:30 p.m. in the East Conference Room,, One Monument Drive, Monument Hall, Princeton, NJ.

A copy of said ordinance is on file at the Princeton Health Department and the Princeton Clerk's Office.

Jeffrey C. Grosser, MHS, HO
Health Officer
Princeton Health Department

Date: April 1, 2015

PRINCETON BOARD OF HEALTH ORDINANCE 2015-01 BOH

PROHIBITION OF SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER 21

AN ORDINANCE PROHIBITING THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) AND REPLACING BOARD OF HEALTH ORDINANCE 93-05

WHEREAS, the Princeton Board of Health ("Board of Health") was established pursuant to N.J.S.A. 26:3-1; and

WHEREAS, pursuant to N.J.S.A. 26:3-1, the Board of Health may make amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, as set forth in the findings of the Board of Health ordinances 93-05 ("An Ordinance of the Princeton Regional Health Commission, County of Mercer, State of New Jersey Amending "An Ordinance Prohibiting Sales of Tobacco to Minors, and Limiting Locations of Tobacco Vending Machines") and 2013-01, the Board of Health previously recognized the dangers and health risks associated with teenagers and young persons who start smoking, as set forth in various studies conducted by the United States Department of Health, the American Cancer Society and surveys conducted by other entities; and

WHEREAS, the Board of Health has concluded that it is appropriate to prohibit the sale of tobacco and nicotine delivery products within Princeton to persons under the age of twenty-one (21); and

WHEREAS, to that end, the Board of Health wishes to amend and supplement Ordinance 93-05

NOW, THEREFORE, BE IT ORDAINED by the Princeton Board of Health, Mercer County, New Jersey, that Ordinance 93-05, entitled "An Ordinance of the Princeton Regional Health Commission, County of Mercer, State of New Jersey Amending "An Ordinance Prohibiting Sales of Tobacco to Minors, and Limiting Locations of Tobacco Vending Machines" is hereby replaced in its entirety with the following provisions:

Section 1. Retail Sale of Tobacco Products

A. No person shall sell tobacco or nicotine delivery products in Princeton 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 machines of tobacco or nicotine delivery products shall be prohibited.

B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any

person under the age of 21 years or give tobacco or nicotine delivery products to any person under the age of 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 counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.

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 products is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco or nicotine delivery products to a person less than 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 the Princeton Board of Health Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and has signed a statement that the employee has read such ordinances and State laws. 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.

Section 2. Definitions

HEALTH DEPARTMENT shall mean the Princeton Health Department.

HEALTH OFFICER shall mean the Princeton Health Officer and/or his or 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 other legal entity.

TOBACCO shall means 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, tokes, or other form of payment, dispenses 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.

Section 3. Enforcement.

A. The enforcement authority for this ordinance shall be the Princeton Health Officer or his/her designee.

B. The 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 Princeton 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.

Section 4. Penalties

A. A person who violates the provisions of this ordinance, including any employee of a retail dealer licensee under P.L. 1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides tobacco product to a person under 21 years of age, shall be liable to a civil penalty of not less than $250 for the first violation, not less than $500 for the second violation, and not less than $1,000 for the third and each subsequent violation. Complaint shall be made in the municipal court of Princeton or before such other judicial officer having authority under the laws of the State of New Jersey

B. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.

C. In addition to the penalties set forth in subsection 4.A above, the Princeton 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 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).

Section 5. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Invalidity

If any section or provision of this Ordinance be adjudged invalid or unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any other section or provision hereof.

Section 7. Effective Date

This Ordinance shall take effect 20 days following its passage and publication, or as otherwise provided by law.

First Reading (Introduction): March 26, 2015

First Publication: April 1, 2015

Second Reading (Adoption):

Second Publication:

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Charles L. Rojer, MD, Chair

Princeton Board of Health

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Laura Kahn, MD, MPH, Vice-Chair

Princeton Board of Health