

**ORDINANCE NO. 2024-02
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVIII, "HEALTH CODE," SECTION 18-17 "VENDING MACHINES FOR CIGARETTES AND OTHER TOBACCO PRODUCTS," BY ADDING A NEW SUBSECTION 18-17.3, "POINT OF SALE REGULATIONS FOR TOBACCO PRODUCTS," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR

WHEREAS, the Township desires to make certain revisions to the Revised General Ordinances relating to point-of-sale tobacco purchases and to restrictions, regulations and procedures for sales to persons under the age of 21.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, Chapter XVIII, "Health Code," Section 18-17 "Vending Machines for Cigarettes and Other Tobacco Products," is amended and supplemented, as follows:

SECTION 1. Subsection 18-17.3, "Point-of-Sale Regulations for Tobacco Products," is added as follows:

18-17.3 Point-of-Sale Regulations for Tobacco Products

- A. No person shall sell tobacco or nicotine delivery products in the Township unless an employee of the establishment directly controls the sale of such products.
 - 1. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer.
 - 2. Self-service displays are prohibited.
 - 3. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of 21.
- B. 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 checkouts where such products are sold which state, "Sale of tobacco products and e-cigarettes to persons under the age of 21 is prohibited by East Windsor Township Ordinance."
- C. 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 employee shall sell tobacco or nicotine delivery products to a person under 21 years of

age who has a writing or any form of communication from any other person, including an adult.

- D. 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 a copy shall be kept on file by the tobacco retailer and made available for review by the Health Department.

SECTION 2. Repealer. All ordinances or resolutions or parts thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

SECTION 3. Severability. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect upon final adoption, publication as required by law.

ATTEST:

ALLISON QUIGLEY
Municipal Clerk

JANICE S. MIRONOV
Mayor