
A Notice From the A.B.C.

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

EXPLANATION OF PENALTIES FOR VIOLATION OF STATE LAW PROHIBITING THE SALE OF CIGARETTES TO A MINOR

A recent survey conducted by the N.J. Department of Health in conjunction with local public health officers sought to determine the availability for sale of cigarettes to persons under 18 years of age. Included in the survey were fifty-nine (59) retail alcohol establishments. The general result of the survey determined that in 84% of the cases, involving all types of retail establishments, minors were able to purchase cigarettes.

N.J.S.A. 2A: 170-51 prohibits the sale of cigarettes to persons under the age of 18. The statute provides that:

"Any person who directly or indirectly, acting as agent or otherwise, sells, gives or furnishes to a minor under the age of 18 years, any cigarettes made of tobacco or any other matter of substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, shall be punished by a fine of \$250.00."

The offense can be charged in municipal court. The ABC interprets the statute to apply to both the licensee and any person who sells the cigarettes. Liability would be incurred for allowing a minor to purchase from a cigarette vending machine on a licensed premises, as well as for other means of providing cigarettes (e.g., an over the counter sale).

The ABC imposes a penalty of up to \$150.00 for a first offense. A second offense may result in a penalty of up to \$300.00 and a third offense may result in elimination of the conduct of other businesses on the licensed premises in addition to a monetary penalty. The application of a graduated penalty is not dependent upon a judicial or administrative disposition of a prior offense. In addition to ABC penalties and a fine in municipal court, a multiple offender faces action by the NJ Division of Taxation against the license to sell cigarettes.