



200 South Street,  
P.O. Box 914  
Morristown, NJ  
07963-0914

## Health Division

|                   |                                  |
|-------------------|----------------------------------|
| Main Office       | (973) 796-1975                   |
| Health Officer    | (973) 292-6707                   |
| Health Inspectors | (973) 292-6713<br>(973) 796-1975 |
| Nurse             | (973) 292-6702                   |
| Animal Control    | (973) 292-6731                   |
| Fax               | (973) 292-6730                   |

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May 15, 2019

**NOTICE OF ORDINANCE ADOPTION**  
**RETAIL SALE & MANUFACTURE OF**  
**ELECTRONIC SMOKING DEVICES & PRODUCTS**

Dear Business Owner,

On May 14, 2019, the Town of Morristown adopted an ordinance amending and supplementing Chapter 25 "Health" to add a new section, Article X11, Section 17, and "Retail Electronic Smoking Device Establishments" to the Code of the Town of Morristown. The ordinance provides establishments which sell electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine to fully comply with the requirements of the ordinance within sixty (60) days of the ordinance's adoption; specifically, compliance must be achieved by July 13, 2019.

Below you will find frequently asked questions regarding the new ordinance.

- 1. What does this mean for business owners?** Businesses which sell electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine will be required to obtain a retail electronic smoking device establishment license from the Town Division of Health. Businesses which manufacture electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine will be required to obtain a manufacturer license from the Town Division of Health. Businesses which perform both retail sales and manufacturing will be required to obtain both licenses.
- 2. Is my business eligible for a retail electronic smoking device establishment license or manufacturer license?** The ordinance makes it unlawful for a business which holds a retail food establishment license issued by the Town Division of Health, a license for the retail sale of motor fuel issued by the State of New Jersey, and/or a liquor license issued by the State of New Jersey to sell and/or manufacture electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine.
- 3. My business currently sells and/or manufactures electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine and does not meet the eligibility requirements above. Can I continue to sell or manufacture such products?** A business which holds a retail food establishment license issued by the Town Division of Health, a license for the retail sale of motor fuel issued by the State of New Jersey, and/or a liquor license issued by the State of New Jersey must discontinue sale and remove electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine no later than July 13, 2019.

4. **Will there be operating requirements for retail electronic smoking device establishments?** Yes, the ordinance sets forth operational requirements pertaining to sales, signage, entry of persons, and employees. Detail on the operational requirements are detailed in the ordinance, which can be accessed by visiting the Town's code book at <https://clerkshq.com/morristown-nj>. The operational requirements are in addition to N.J.S.A. 2A:170-51.9 et. seq. governing child resistant containers and N.J.S.A. 2A:170-51.4 and N.J.S.A. 2C:33-13.1 that ban the sale and furnishing tobacco products and electronic smoking devices to persons under the age of twenty-one (21).
5. **If I am eligible for a retail electronic smoking device establishment license, how does the ordinance affect the individuals I employ?** All employees working in a retail electronic smoking device establishment must be at least twenty-one (21) years of age. In addition, employees must submit written confirmation that they have reviewed and understand the ordinance and state laws governing to the sale of electronic smoking devices on a form provided by the Town Division of Health.
6. **If I am eligible for a retail electronic smoking device establishment license, are there signage requirements?** Retail electronic smoking device and manufacturer license holders will be required to post three (3) signs on entry doors advising patrons of age-restrictions, penalties for purchasing under age and prohibitions on smoking, sampling and use within a business. Full text for required signage can be found on the Town's website at <https://clerkshq.com/morristown-nj>. Upon request, signage required by the ordinance will be provided by the Town Division of Health. Additionally, licenses issued by the Health Division for retail sale or manufacture must be displayed in a location which is clearly visible to patrons. Such licenses must be posted in a conspicuous place, at eye-level, unobstructed, and adjacent to the public entrance of the establishment.
7. **How do I license my business with the Town of Morristown?** Business owners who meet the eligibility requirements to operate a retail electronic smoking device establishment (see question 2 of this letter for eligibility requirements), must complete and submit an application to the Town Division of Health. Applications are available at the Town Division of Health and online at <https://www.townofmorristown.org/forms>.
8. **What are the license fees?** The annual license fee for establishments, which perform retail sales is \$1,000.00. The annual license fee for establishments which manufacture electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine is \$2,500.00. If your establishment conducts both activities, you will be required to obtain both licenses. Licenses expire on December 31<sup>st</sup> of the year for which it was issued and fees are not pro-rated.
9. **Is there a limit on the number of retail electronic smoking device establishment or manufacturer licenses issued by the Town?** At this time, there is no limit on the number of licenses issued by the Town Division of Health; however, there are restrictions as to the location where a retail electronic smoking device establishment can operate.
10. **If I meet the eligibility requirements to operate a retail electronic smoking device establishment and want to operate such an establishment, what are the restrictions as to where I can operate such a business?** In addition to meeting any applicable zoning requirements, establishments which sell and/or manufacture electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine, which are not

presently in operation at the time of adoption, may not be located within five hundred (500) feet of any public recreational field or park, public or private elementary or secondary school. Additionally, itinerant (mobile) establishments are not eligible for a retail electronic smoking device establishment license.

**11. Can I be fined for not complying with the ordinance?**

Persons operating establishments who are found to be in violation of the ordinance may be issued a summons requiring appearance in Municipal Court. Persons convicted of violating any section of the ordinance by Municipal Court are subject to minimum fines of \$1,000.00 for the first offense, \$1,500.00 for the second offense, and \$2,000.00 for the third offense. In addition, summonses may be issued for each violation and for each day the violation occurs.

**12. Where do I find more information about state laws and regulations concerning the State of New Jersey regulations governing the Smoke-free Air Act?** Information on the Smoke-free Air Act can be found by visiting the New Jersey Department of Health at <https://www.nj.gov/health/fhs/tobacco/regulations/>.

Should you have any questions or concerns regarding this letter and its applicability to your business, please contact the Town Division of Health at (973) 631-5183 or [SGorman@co.morris.nj.us](mailto:SGorman@co.morris.nj.us).

Sincerely,

Stephanie Gorman  
Assistant Health Officer

SLG/CP  
Regular/Certified