

**TOWNSHIP OF HANOVER  
BOARD OF HEALTH  
LEGAL NOTICE**

**ORDINANCE NO. 1-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER BOARD OF HEALTH  
AMENDING AND SUPPLEMENTING  
PART III, BOARD OF HEALTH LEGISLATION, CHAPTER 337  
ENTITLED "ELECTRONIC SMOKING DEVICES"**

**WHEREAS**, the United States Surgeon General has found that electronic smoking devices pose a significant health risk for youth; and

**WHEREAS**, in the United States, youth are more likely to use electronic smoking devices than adults and a report by the United States Surgeon General in 2016 cited a 900% increase in electronic smoking device use by high school students from 2011 to 2015; and

**WHEREAS**, the New Jersey Department of Health indicates that in 2018, more than 1 in 5 high school students and 1 in 20 middle school students reported using e-cigarettes; and

**WHEREAS**, in 2016 the United States Surgeon General reported that electronic smoking devices, "are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults"; and

**WHEREAS**, the United States Surgeon General further stated that, "themes in e-cigarette marketing, including sexual content and customer satisfaction, are parallel to themes and techniques that have been found to be appealing to youth and young adults in conventional cigarette advertising and promotion"; and

**WHEREAS**, the New Jersey Department of Health indicates that flavored electronic smoking device oils and liquids are marketed with names that are attractive to youth; and

**WHEREAS**, cigarettes with specific characterizing flavors were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act; however, this prohibition did not apply to other tobacco products, including electronic smoking devices, which come in flavors with obvious appeal to youth including fruit, candy, and dessert flavors; and

**WHEREAS**, data from the 2016-2017 Food & Drug Administration's Population Assessment of Tobacco & Health (PATH) study found that 96.1 percent of 12-17 year olds who had initiated e-cigarette use started with a flavored product; and

**WHEREAS**, the PATH study found that 97 percent of current youth e-cigarette users had used a flavored e-cigarette in the past month and 70.3 percent said they used e-cigarettes because they came in flavors they liked; and

**WHEREAS**, the United States Surgeon General has indicated that electronic smoking device "use poses a significant – and avoidable – health risk to young people in the United States. Besides increasing the possibility of addiction and long-term harm to brain development and respiratory health, e-cigarette use is associated with the use of other tobacco products that can do even more damage to the body"; and

**WHEREAS**, in 2016 the Hanover Township Board of Health adopted an electronic smoking device ordinance in order to ensure that these devices are not being sold to under-age individuals and now wishes to amend and supplement the same to prevent youth access to flavored electronic devices and related products.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Township of Hanover in the County of Morris and State of New Jersey, that Chapter 337 entitled, "Electronic Smoking Devices" is hereby amended and supplemented as follows:

**SECTION 1.** Chapter, 337-2 entitled "Definitions and terminology" is amended and supplemented to include following definition:

Characterizing Flavor - a distinguishable flavor, taste, or aroma, including but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice flavoring, menthol, or mint in liquid, wax, gel, oil, cartridge, or in any other format that is imparted, prior to or during consumption, by an electronic smoking device or other related product. An electronic smoking device or other related product shall be deemed to have a characterizing flavor if the device is packaged with, contains, or includes such flavors in liquid, wax, gel, oil, cartridges, or any in other format and/or is advertised or marketed as having or producing characterizing flavors.

**SECTION 2.** Section 337-3 is hereby amended and supplemented to include the following provisions:

J. No person shall conduct, maintain, or operate a retail electronic smoking device establishment or carry on any other business, which sells or distributes electronic smoking device characterizing flavors.

K. All licensed retail electronic smoking device establishments shall comply with this provision sixty (60) days after adoption of this article.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

**SECTION 4.** This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**BOARD OF HEALTH  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

  
\_\_\_\_\_  
Dr. Stanley Zabrowski  
President

ATTEST:

  
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Carlos Perez, Jr., Secretary

**DATE OF INTRODUCTION:** October 9, 2019

**DATE OF ADOPTION:** November 13, 2019