

EXECUTIVE ORDER NO. 84

WHEREAS, residents of New Jersey are discouraged from smoking cigarettes, including electronic smoking devices; and

WHEREAS, cigarettes, including electronic smoking devices, can pose a significant threat to public health, particularly the safety and well-being of New Jersey's youth; and

WHEREAS, in 2014, the New Jersey Department of Health ("DOH") saw electronic smoking device use surpass traditional cigarette use among the State's high school students; and

WHEREAS, in 2018, an estimated 20 percent of high school students across the country reported electronic smoking device use as part of the National Youth Tobacco Survey, marking a 78 percent increase from the previous year; and

WHEREAS, electronic smoking device manufacturers and retailers seemingly target youth markets by providing vaping oils in flavors like "fruit loop" and "cotton candy"; and

WHEREAS, those same manufacturers market electronic smoking devices as a safe alternative to traditional cigarettes despite the lack of approval from the U.S. Food and Drug Administration ("FDA"); and

WHEREAS, the Centers for Disease Control and Prevention ("CDC"), FDA, DOH, and local health departments are currently investigating a national outbreak of severe pulmonary disease associated with the use of electronic smoking devices; and

WHEREAS, DOH has identified three confirmed cases and nineteen suspected cases of severe pulmonary disease related to electronic smoking device use in the State; and

WHEREAS, over 450 cases of severe pulmonary disease, resulting in at least six deaths, have been identified nationwide; and

WHEREAS, DOH has released a statewide health alert to health care providers and local health departments as a result of such reports; and

WHEREAS, CDC has issued a warning to consumers to discontinue use of electronic smoking devices during the pendency of its investigation; and

WHEREAS, the effort to address the dangerous trend of increased electronic smoking device use among both minors and adults in New Jersey requires significant cooperation among social service agencies and health, education, and legal entities in the State;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Electronic Smoking Device Task Force ("Task Force"), which shall be responsible for providing recommendations to the Governor and the Legislature outlining a comprehensive, coordinated strategy to protect New Jerseyans and to educate the public, particularly youth, about the risks of electronic smoking devices. In formulating this strategy, the Task Force shall conduct a review of options that includes, but is not limited to, the following:

a. Providing warning signs to be posted in retail establishments that sell electronic smoking devices and related products in the State that warn customers of the health risks associated with electronic smoking device use;

b. Expanding the State's ability to efficiently and comprehensively investigate, track, and monitor any cases of severe pulmonary disease;

c. Recommending legislative and regulatory changes needed to protect young people from electronic smoking devices and remove barriers to the execution of a comprehensive strategy to mitigate the hazards of electronic smoking device use;

d. Developing a statewide public awareness campaign on the risks of electronic smoking device use with a toolkit for educators and educational materials aimed at specific target audiences like parents, coaches, educators, health care professionals, and young people, and identifying appropriate interventions to support individuals at risk or experiencing addiction;

e. Reviewing and providing feedback on current efforts in the State to address the dangers of electronic smoking device use and considering methods for expansion of those efforts;

f. Cooperating with local, state, federal, and private or non-profit entities while the multi-state investigation into the hundreds of cases of severe pulmonary disease across the nation that have been associated with electronic smoking device use continues; and

g. Adopting similar policies with respect to traditional cigarettes or other products that are, or are perceived as, alternatives to electronic smoking devices.

2. The Task Force shall consist of at least ten (10) members, which shall include (i) the Commissioner of Health, who shall serve as chair, (ii) the Attorney General, or his designee, (iii) the Treasurer, or her designee, (iv) the Commissioner of Education, or his designee, (v) the Secretary of Higher Education, or her designee, (vi) the Commissioner of Children and Families, or her designee, (vii) the Commissioner of Human Services, or her designee, (viii) the Assistant Commissioner of the Division of

Medicinal Marijuana, or his designee, (ix) the Director of the New Jersey Division of Consumer Affairs, or his designee, and (x) a representative from the Office of Tobacco Control, Nutrition and Fitness.

3. The Governor may, as determined to be appropriate, add additional members to the Task Force. All members of the Task Force shall serve in such capacity at the pleasure of the Governor and without compensation.

4. The New Jersey Department of Health shall provide staff support to the Task Force. The Task Force is authorized to call upon any department, office, division, or agency of this State to supply it with data and any other information or assistance available to such agency as the Task Force deems necessary to execute its duties under this Order. Each Executive Branch department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law and consistent with budgetary constraints, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Task Force may consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The Task Force, which shall be purely advisory in nature, shall issue an initial report of its findings and recommendations to the Governor and the Legislature no later than twenty-one days after the effective date of this Order. The report shall be made available to the public at the same time.

6. Nothing in this Order shall be construed to supersede any federal, State, or local law.

7. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

8. This Order shall take effect immediately.

[seal] GIVEN, under my hand and seal this
12th day of September,
Two Thousand and Nineteen, and
of the Independence of the
United States, the Two Hundred
and Forty-Fourth.

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor