



NJ Gasoline, C-Store, Automotive Association
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To: Assembly Judiciary Committee

From: Eric Blomgren, Executive Director

New Jersey Gasoline, Convenience Store, Automotive Association (NJGCA)

Re: Oppose A-5129 “CJ’s Law”; Criminalizes manufacture and distribution of substances containing kratom under certain circumstances.

On behalf of the mostly small businesses we represent, we must oppose this bill today. This is not because we seek or desire an unregulated laissez-faire situation for these products, in fact quite the opposite. The current marketplace would benefit from greater regulation. But this specific bill is a prohibition policy, and experience has shown us that whatever their merits may or may not be, in the end those policies rarely prove to be effective policy.

The State rarely has the committed capacity to undertake the effort to consistently enforce bans against the sales of these kinds of products between consenting adults. This has been true for cannabis, alcohol, and in the recent experience of our members, flavored vaping products--which have been illegal for sale in New Jersey since 2020. Yet one study showed as much as 90% of vape products used in the state are illegally flavored.

Honest retailers, many of them small businesses, adhere to regulations, including age verification and product safety standards. In contrast, illegal sellers flout these rules, creating an uneven playing field. This not only harms legitimate businesses but also erodes consumer trust in the regulatory system and the effective rule of law. In our experience, those businesses (be they in smoke shops or online) who do not care to follow one law generally do not place a premium on following other laws—whether its age verification, product quality, taxes, even labor laws.

A total ban would hurt small businesses, forgo state tax revenue, and do little to nothing to reduce consumption of these products. NJGCA advocates for fair competition and urges law enforcement to protect businesses that are committed to following the law and maintaining high standards. Honest retailers who want to be in compliance with all regulations as best as possible are left feeling like fools for not selling these items, and in doing so losing sales and customers to dishonest competitors.

The path to a better regulatory state than either the status quo or this bill is readily available, in the form of A-1188/S-1476 sponsored by Vice Chair Carol Murphy and Senator Joe Lagana, the “Kratom Consumer Protection Act”, which has been endorsed by the New Jersey Board of Medical

Examiners. Among other rules, it would require product testing, proper labeling, content disclosures, and restrictions on synthetic or other adulterants.

If the Legislature creates a clear path to safe compliance, good businesses will follow it.

Times are tough for small businesses in New Jersey in the face of ever rising costs for property taxes, labor, utilities, and tariffs. Some stores have added these products alongside the tobacco and nicotine products they have been selling for decades as a way to generate some profits and bring in customers who would otherwise purchase these items online; and in doing so sell them a cup of coffee or a lottery ticket.

Under the current language of the bill, these store owners would be turned into a serious criminal with jail time penalties for selling a product to an adult that has been legal for years. At minimum we would ask that there be a delay in implementation of the bill, instead of having the penalties taking effect immediately upon signature of the governor.

Prohibition policies aren't effective and wind up leading to an unregulated gray market that can be the worst of all worlds, with the product still being easily available but only from the least honest actors. We ask that you not move forward with this bill but instead focus on safe regulations for the product, as has been proposed. Thank you for your consideration.

