



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

From: Eric Blomgren, Chief Administrator & Director of Government Affairs

New Jersey Gasoline, Convenience Store, Automotive, Association

Re: Support S-729 “Establishes tianeptine as Schedule II controlled dangerous substance.”

On behalf of the hundreds of gas stations and convenience store owners we represent, mostly small and independent operators, I am happy to support this legislation today.

Tianeptine has been linked to some deaths, hospitalizations, and poison control calls. More insidiously it has been linked to severe addiction, leading to the nickname ‘gas station heroin’, a term which our members rather resent. It is often sold online and in smoke shops, as well as some c-stores.

Tianeptine is used in some doses as a prescription drug in Europe and some other countries, but has not been approved for any use in the US. The FDA will only take action if the product labeling makes a specific health claim, otherwise it generally ignores ‘dietary supplements.’ In practice, they rarely seem to have the resources to properly enforce their rules on a variety of products. The reason it needs a prescription is that a trained medical professional must monitor the amount a person is taking, whether there are any side effects or preexisting conditions, and if it conflicts with any other prescriptions.

Our members do not sell it, the association has recommended they not do so because of the nature of the product and the liability risk, and most reputable distributors do not sell it. In the industry, however, we have what are generally known as ‘trunk-slayers’—people who drive up to a business, pop the trunk, offer to sell some products wholesale that they claim are selling well in other stores, and then slam the trunk and drive away. If the store owner has a defective product, or they get in trouble for it, the person who sold it is long gone and unreachable.

I suspect that often these dealers are deceptive about these products, and many store workers and managers do not even realize the serious complications that come from these tianeptine products, which are bottled and marketed similar to the popular 5 Hour Energy brand of products.

By joining a dozen other states (so far), New Jersey would create a level playing field for all retailers in the state. Those that are currently choosing not to carry these products will no longer be at a competitive disadvantage to those that might be.

I do hope that if this bill becomes law, there will be consistent enforcement from the Attorney General, not just in the immediate aftermath of passage but on a sustained basis. We have seen in the past other attempts to ban products that are then rarely enforced in the marketplace. Unenforced prohibitions are the worst kind of policies, they ensure products remain accessible to the public, but only from the most unscrupulous of sellers. I particularly hope the AG's office will go after the online sellers who I have no doubt will seek to continue to distribute to residents in New Jersey if they can get away with it. I also hope the federal government will follow suit and ban the product nationally, which will make it easier to enforce.

I have reached out to the sponsor about one potential amendment. Under the current draft, the moment the Governor were to sign the bill, anyone selling the product would automatically and immediately become a drug dealer, even though they were honestly unaware of the change in law. I think delaying the effective date to 30 days after the bill is signed would provide enough time to get the word out to the marketplace that these products have become illegal. I spoke with the Senator's staff yesterday and he is planning to make that change, for which we are grateful.

Gas stations, service stations, convenience stores, are all quintessential American small businesses that have been the pathway to achieving the American dream for decades. We have members who are the third generation operating their business, we have members who started as immigrants pumping gas and now own multiple successful locations. None of them want to be branded or associated with heroin, and hopefully this bill will make clear they are not. As a nonprofit trade association, we have strived for all of our 87 years in existence to be a responsible player in the marketplace, and that is part of why we wanted to formally support this bill.

I ask that you support it as well. Thank you.