

ASSEMBLY, No. 2960

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 9, 2000

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman DAVID C. RUSSO

District 40 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Heck

SYNOPSIS

Prohibits smoking on school grounds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning smoking and amending P.L.1981, c.320.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

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6 1. Section 3 of P.L.1981, c.320 (C.26:3D-17) is amended to read
7 as follows:

8 3. a. The appropriate governing body, board or individual
9 responsible for or who has control of the administration of a school,
10 college, university, or professional training school, either public or
11 private, except the board of education of a school district, shall make
12 and enforce suitable regulations controlling the smoking of tobacco on
13 their premises, except in those areas within the premises wherein
14 smoking is prohibited by municipal ordinance under authority of
15 R.S.40:48-1 and 40:48-2 or by any other statute or regulation adopted
16 pursuant to law for purposes of protecting life and property from fire.
17 The governing body, board or individual may, but need not, designate
18 certain areas within the premises as areas in which smoking is
19 permitted. Smoking in classrooms, lecture halls and auditoriums shall
20 be prohibited except as part of a classroom instruction or a theatrical
21 production.

22 b. The board of education of each school district shall make and
23 enforce regulations to prohibit the smoking of tobacco anywhere in its
24 buildings or on school grounds, except as part of a classroom
25 instruction or a theatrical production.

26 (cf: P.L.1989, c.96, s.1).

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28 2. Section 6 of P.L.1981, c.320 (C.26:3D-20) is amended to read
29 as follows:

30 6. a. The person responsible for administration of the school,
31 college, university, or professional training school or any other person
32 having control of such premises or any agent thereof or a police officer
33 or other public servant engaged in executing or enforcing this act may
34 order any person smoking in violation of this act to comply with the
35 provisions of this act. Thereupon any such person who smokes on
36 such premises in violation of this act is subject to a fine not to exceed
37 **[\$100.00]** \$100.

38 b. The State Department of Health and Senior Services or the local
39 board of health or such board, body or officers exercising the functions
40 of the local board of health according to law, upon written complaint
41 and having reason to suspect that any school, college, university or
42 professional training school is or may be in violation of the provisions
43 of this act shall, by written notification, advise the person responsible

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 for the administration of the school, college, university or professional
2 training school or other person having control of the premises
3 accordingly and order appropriate action to be taken. Thereupon, any
4 person receiving such notice who knowingly fails or refuses to comply
5 with the order is subject to a fine not to exceed ~~[\$25.00]~~ \$25 for the
6 first offense and not to exceed ~~[\$100.00]~~ \$100 for the second offense
7 and not to exceed ~~[\$200.00]~~ \$200 for each offense thereafter. In
8 addition to the penalty provided herein, the court may order immediate
9 compliance with the provisions of this act. Notwithstanding the
10 provisions of this subsection, no person shall be liable for a fine if the
11 person has taken reasonable steps to enforce the prohibition on
12 smoking in school buildings or on school grounds.

13 c. Any penalty recovered under the provisions of this act shall be
14 recovered by and in the name of the Commissioner of Health and
15 Senior Services of the State of New Jersey or by and in the name of
16 the local board of health. When the plaintiff is the Commissioner of
17 Health and Senior Services, the penalty recovered shall be paid by the
18 commissioner into the treasury of the State. When the plaintiff is a
19 local board of health, the penalty recovered shall be paid by the local
20 board into the treasury of the municipality where the violation
21 occurred.

22 d. Every municipal court shall have jurisdiction over proceedings
23 to enforce and collect any penalty imposed because of a violation of
24 any provision of this act, if the violation has occurred within the
25 territorial jurisdiction of the court. The proceedings shall be summary
26 and in accordance with ~~[the Penalty Enforcement Law]~~ “the penalty
27 enforcement law” (N.J.S.2A:58-1 et seq.). Process shall be in the
28 nature of a summons or warrant and shall issue only at the suit of the
29 Commissioner of Health and Senior Services of the State of New
30 Jersey, or the local board of health, as the case may be, as plaintiff.
31 (cf: P.L.1981, c.320, s.6)

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33 3. This act shall take effect immediately.

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STATEMENT

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38 This bill revises P.L.1981, c.320 (C.26:3D-15 et seq.), a statute
39 controlling smoking on the premises of schools and institutions of
40 higher education, by prohibiting smoking on school grounds. The
41 current statute applies to the school building but not to its grounds.