

SENATE, No. 412

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN A. LYNCH

District 17 (Middlesex, Somerset and Union)

Senator JACK SINAGRA

District 18 (Middlesex)

SYNOPSIS

Prohibits smoking on school grounds.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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.

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 for the first
6 offense and not to exceed \$100.00 for the second offense and not to
7 exceed \$200.00 for each offense thereafter. In addition to the penalty
8 provided herein, the court may order immediate compliance with the
9 provisions of this act.

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

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

29 (cf: P.L.1981, c.320, s.6)

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31 3. This act shall take effect immediately.

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STATEMENT

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36 This bill amends P.L.1981, c.320 (C.26:3D-15 et seq.) by
37 prohibiting smoking on school grounds and by authorizing a local
38 board of education to enforce the smoking prohibition. The current
39 law applies to the school building but not to its grounds.

40 In order to serve as a "role model" environment for students and
41 staff, and as part of a preventative educational program, this expansion
42 of the smoking prohibition to include school grounds shall serve the
43 boards of education's policy to deter smoking among students and
44 staff.