

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 412**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2000

The Assembly Health Committee reports favorably Senate Bill No. 412 (1R).

This bill revises P.L.1981, c.320 (N.J.S.A.26:3D-15 et seq.), which is the statute that controls smoking on the premises of schools and institutions of higher education, to require that each local board of education prohibit smoking on school grounds, as well as in its buildings (except as part of a classroom instruction or a theatrical production). Currently, this statute applies to a school building but not to its grounds.

The bill provides that no person shall be liable for a fine if the person has taken reasonable steps to enforce the prohibition on smoking in school buildings or on school grounds.

The bill also revises the current statute to remove the local board of education as a plaintiff in the case of a violation of the prohibition on smoking, reserving this role for the Commissioner of Health and Senior Services or the local board of health and providing that when the plaintiff is the commissioner, the penalty recovered shall be paid by the commissioner into the treasury of the State and when the plaintiff is a local board of health, the penalty recovered shall be paid by the local board into the treasury of the municipality where the violation occurred.

This bill is identical to Assembly Bill No. 2960 (Vandervalk/Russo), which the committee also reported on this date.