

ASSEMBLY, No. 3894

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MARCH 7, 2013

Sponsored by:

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District 3 (Cumberland, Gloucester and Salem)
Assemblywoman CONNIE WAGNER
District 38 (Bergen and Passaic)

Co-Sponsored by:

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SYNOPSIS

Prohibits use of tobacco products on the grounds of any public or private institution of higher education.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2013)

A3894 RILEY, WAGNER

2

1 AN ACT concerning the use of tobacco products on the premises of
2 institutions of higher education and amending P.L.2005, c.383,
3 and supplementing Title 26 of the Revised Statutes.

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

7
8 1. Section 3 of P.L.2005, c.383 (C.26:3D-57) is amended to
9 read as follows:

10 3. As used in this act:

11 "Bar" means a business establishment or any portion of a
12 nonprofit entity, which is devoted to the selling and serving of
13 alcoholic beverages for consumption by the public, guests, patrons
14 or members on the premises and in which the serving of food, if
15 served at all, is only incidental to the sale or consumption of such
16 beverages.

17 "Cigar bar" means any bar, or area within a bar, designated
18 specifically for the smoking of tobacco products, purchased on the
19 premises or elsewhere; except that a cigar bar that is in an area
20 within a bar shall be an area enclosed by solid walls or windows, a
21 ceiling and a solid door and equipped with a ventilation system
22 which is separately exhausted from the nonsmoking areas of the bar
23 so that air from the smoking area is not recirculated to the
24 nonsmoking areas and smoke is not backstreamed into the
25 nonsmoking areas.

26 "Cigar lounge" means any establishment, or area within an
27 establishment, designated specifically for the smoking of tobacco
28 products, purchased on the premises or elsewhere; except that a
29 cigar lounge that is in an area within an establishment shall be an
30 area enclosed by solid walls or windows, a ceiling and a solid door
31 and equipped with a ventilation system which is separately
32 exhausted from the nonsmoking areas of the establishment so that
33 air from the smoking area is not recirculated to the nonsmoking
34 areas and smoke is not backstreamed into the nonsmoking areas.

35 "Electronic smoking device" means an electronic device that can
36 be used to deliver nicotine or other substances to the person
37 inhaling from the device, including, but not limited to, an electronic
38 cigarette, cigar, cigarillo, or pipe.

39 "Indoor public place" means a structurally enclosed place of
40 business, commerce, or other service-related activity, whether
41 publicly or privately owned or operated on a for-profit or nonprofit
42 basis, which is generally accessible to the public, including, but not
43 limited to: a commercial or other office building; office or building
44 owned, leased, or rented by the State or by a county or municipal
45 government; public **and** or nonpublic elementary or secondary

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

Matter underlined thus is new matter.

1 school building; public or private institution of higher education
2 building; board of education building; theater or concert hall; public
3 library; museum or art gallery; bar; restaurant or other
4 establishment where the principal business is the sale of food for
5 consumption on the premises, including the bar area of the
6 establishment; garage or parking facility; any public conveyance
7 operated on land or water, or in the air, and passenger waiting
8 rooms and platform areas in any stations or terminals thereof; health
9 care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
10 seq.); patient waiting room of the office of a health care provider
11 licensed pursuant to Title 45 of the Revised Statutes; child care
12 center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);
13 race track facility; facility used for the holding of sporting events;
14 ambulatory recreational facility; shopping mall or retail store; hotel,
15 motel, or other lodging establishment; apartment building lobby or
16 other public area in an otherwise private building; or a passenger
17 elevator in a building other than a single-family dwelling.

18 "Person having control of an indoor public place or workplace"
19 means the owner or operator of a commercial or other office
20 building or other indoor public place from whom a workplace or
21 space within the building or indoor public place is leased.

22 "Smoking" means the burning of, inhaling from, exhaling the
23 smoke from, or the possession of a lighted cigar, cigarette, pipe or
24 any other matter or substance which contains tobacco or any other
25 matter that can be smoked, or the inhaling or exhaling of smoke or
26 vapor from an electronic smoking device.

27 "Tobacco retail establishment" means an establishment in which
28 at least 51% of retail business is the sale of tobacco products and
29 accessories, and in which the sale of other products is merely
30 incidental.

31 "Workplace" means a structurally enclosed location or portion
32 thereof at which a person performs any type of service or labor.
33 (cf: P.L.2009, c.182, s.2)

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35 2. Section 4 of P.L.2005, c.383 (C.26:3D-58) is amended to
36 read as follows:

37 4. a. Smoking is prohibited in an indoor public place or
38 workplace, except as otherwise provided in this act.

39 b. Smoking is prohibited in any area of any building of, or on
40 the grounds of, any public or nonpublic elementary or secondary
41 school, regardless of whether the area is an indoor public place or is
42 outdoors.

43 c. Smoking is prohibited in any area of any building of, or on
44 the grounds of, or in any facility owned, leased, or controlled by,
45 any public or private institution of higher education or a related
46 entity thereof, regardless of whether the area or facility is an indoor
47 public place or is outdoors. As used in this subsection, "related
48 entity" includes, but is not limited to, the foundation, auxiliary

1 services corporation, or alumni association, or any subsidiary
2 thereof, of an institution of higher education.

3 (cf: P.L.2005, c.383, s.4)

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5 3. (New section) In addition to the prohibition on smoking
6 provided in subsection c. of section 4 of P.L.2005, c.383 (C.26:3D-
7 58), the use of chewing tobacco, or any other tobacco product the
8 use of which does not require smoking as defined in section 3 of
9 P.L.2005, c.383 (C.26:3D-57), is prohibited in any area of any
10 building of, or on the grounds of, or in any facility owned, leased,
11 or controlled by, any public or private institution of higher
12 education or a related entity thereof, regardless of whether the area
13 or facility is an indoor public place or is outdoors. As used in this
14 subsection, "related entity" includes, but is not limited to, the
15 foundation, auxiliary services corporation, or alumni association,
16 or any subsidiary thereof, of an institution of higher education.

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18 4. The Commissioner of Health, pursuant to the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.), shall adopt rules and regulations as the commissioner
21 determines necessary to effectuate the purposes of this act.

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23 5. This act shall take effect on the first day of the fourth month
24 next following the date of enactment, but the Commissioner of
25 Health may take such anticipatory administrative action in advance
26 thereof as shall be necessary for the implementation of this act.

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STATEMENT

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31 This bill amends the "New Jersey Smoke-Free Air Act" to
32 prohibit smoking in any area of any building of, or on the grounds
33 of, or in any facility owned, leased, or controlled by, any public or
34 private institution of higher education in this State or a related
35 entity thereof, regardless of whether the area or facility is an indoor
36 public place or is outdoors.

37 The bill defines "related entity" to include, but not be limited to,
38 the foundation, auxiliary services corporation, or alumni
39 association of an institution of higher education, or any subsidiary
40 of such an entity.

41 In addition, the provisions of this bill go beyond the scope of the
42 "New Jersey Smoke-Free Air Act" to prohibit, in any venue that is
43 specified in this bill, the use of chewing tobacco, or any other
44 tobacco product the use of which does not require smoking.

45 The bill takes effect on the first day of the fourth month
46 following enactment, but authorizes the Commissioner of Health to
47 take prior administrative action as necessary for its implementation.