

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 1772

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 1772.

As amended, this bill extends the provisions of the “New Jersey Smoke Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), which generally prohibit smoking in indoor public places and workplaces, to apply to public parks and beaches throughout the State.

The bill provides specifically as follows:

- The smoking prohibition provided for under this bill would apply to any State park or forest, county or municipal park, or State or municipal beach, but would not include any parking lot that is adjacent to but outside the public park or beach. The prohibition would not apply to a golf course, or to an area of a municipal or county park or beach, not to exceed 20 percent of the total area of the park or beach, which is designated by the municipality or county by ordinance or resolution as a smoking area.
- The bill defines “State park or forest” to mean any State owned or leased land, water or facility administered by the Department of Environmental Protection, including, but not limited to, a park, forest, recreational area, marina, historic site, burial site or natural area, but not including a wildlife management area or reservoir land.
- The Department of Environmental Protection is directed to provide information and assistance to counties and municipalities, as determined appropriate by the Commissioner of Environmental Protection and within the limits of resources available to the department for this purpose, to support smoke-free public parks and beaches.
- The penalties that currently apply to a person who smokes in an indoor public place or workplace, or a person having control of the place who fails to comply with an order to enforce the smoking prohibition, in violation of the “New Jersey Smoke Free Air Act,” would apply to a comparable violation of this bill. These include a fine of not less than \$250 for the first offense, \$500 for the second

offense and \$1,000 for each subsequent offense. (As currently provided under the "New Jersey Smoke Free Air Act," a penalty recovered through enforcement would be paid to the State Treasury if the plaintiff is the Commissioner of Health, and to the treasury of the municipality in which the violation occurred if the plaintiff is the local board of health.)

- The Commissioners of Health and Environmental Protection, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in consultation with each other, are directed to adopt rules and regulations to effectuate the purposes of this bill.

The bill takes effect on the 180th day after enactment, but authorizes the Commissioners of Health and Environmental Protection to take anticipatory administrative action in advance as necessary for its implementation.

The committee amended the bill to exempt from the smoking prohibition: (1) golf courses; and (2) an area of a municipal or county park or beach, not to exceed 20 percent of the total area of the park or beach, which is designated by the municipality or county by ordinance or resolution as a smoking area.

As amended and reported by the committee, this bill is identical to Assembly Bill No 1080, which was also amended and reported by the committee on this date.