

SENATE, No. 903

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 16, 2018

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

SYNOPSIS
Prohibits smoking at State-owned beaches.

CURRENT VERSION OF TEXT
As introduced.



1 AN ACT prohibiting smoking at State-owned beaches and
2 supplementing Title 26 of the Revised Statutes.

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

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7 1. a. Smoking is prohibited at all State-owned beaches.

8 b. A person who smokes or carries lighted tobacco while at a
9 State-owned beach shall be subject to a fine of not less than \$250
10 for the first offense, \$500 for the second offense and \$1,000 for
11 each subsequent offense, to be collected in a civil action by a
12 summary proceeding under the "Penalty Enforcement Law of
13 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

14 c. The Department of Environmental Protection shall create
15 and maintain an Internet website with information about smoke-free
16 beaches, including State-owned and municipal beaches, and shall
17 provide information and assistance to municipalities, as appropriate,
18 to support smoke-free beaches.

19 d. The Department of Environmental Protection, in
20 consultation with the Department of Health and Senior Services,
21 shall, pursuant to the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.), adopt rules and regulations as necessary
23 to effectuate the purposes of this act.

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25 2. This act shall take effect on the 90th day after the date of
26 enactment, but the commissioner may take such anticipatory action
27 in advance thereof as shall be necessary for the implementation of
28 this act.

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31 STATEMENT

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33 This bill would prohibit smoking at State-owned beaches.

34 Under this bill, a person who smokes or carries lighted tobacco
35 while at a State-owned beach would be fined not less than \$250 for
36 the first offense, \$500 for the second offense, and \$1,000 for each
37 subsequent offense, to be collected in a civil action by a summary
38 proceeding under the "Penalty Enforcement Law of 1999."

39 Additionally, the Department of Environmental Protection (DEP)
40 would create and maintain a website with information about smoke-
41 free beaches, including State-owned and municipal beaches, and
42 would further provide information and assistance to municipalities,
43 as appropriate, to support smoke-free beaches. The DEP, in
44 consultation with the Department of Health and Senior Services,
45 would adopt rules and regulations as necessary.

46 Presently there is no law prohibiting smoking at State-owned
47 beaches, although, since 2004, a section of Island Beach State Park
48 has been designated as smoke-free, with smoking permitted in other

1 areas. Additionally, some shore municipalities have taken action to
2 prohibit or limit smoking at beaches within their jurisdiction.
3 Various other states, including California, Hawaii, Maine, and New
4 York, are also considering, or have recently enacted, legislation to
5 prohibit or limit smoking at beaches.