

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 2534

STATE OF NEW JERSEY

DATED: MAY 10, 2018

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2534.

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

The smoking prohibition provided for under this bill would apply to any State, county, or municipal beach, but would not apply to any parking lot that is adjacent to, but outside of, the public beach; or any area of a municipal or county beach, not exceeding 15 percent of the total area, which is designated by the municipality or county by ordinance or resolution as a smoking area.

The Department of Environmental Protection (DEP) is directed to provide information and assistance to counties and municipalities, as determined to be appropriate by the Commissioner of Environmental Protection and within the limits of resources available to the DEP for this purpose, to support smoke-free public beaches.

The penalties that currently apply to a person who smokes in an indoor public place or workplace, or to 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 bill provides that process for a violation may only be served by summons, and not by a summons or warrant as provided under current law. The bill requires that the Superior Court will have exclusive jurisdiction over violations that may be issued against a State or local government entity.