

STATEMENT TO
SENATE, No. 2534

with Assembly Floor Amendments
(Proposed by Assemblymen MAZZEO, CALABRESE
and Assemblywoman VAINIERI HUTTLE

ADOPTED: JUNE 7, 2018

These Assembly amendments:

- (1) additionally prohibit smoking in public parks;
- (2) define a “person having control of a public park or beach” as the person having supervisory authority over a public park or beach or that person’s designee, as applicable;
- (3) define a “public park or beach” as a State park or forest, a county or municipal park, or a State, county, or municipal beach, but not including any parking lot that is adjacent to, but outside of, the public park or beach;
- (4) define a “state park or forest” as 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;
- (5) exclude golf courses from the smoking prohibition;
- (6) remove the requirement to establish signs at a public beach indicating whether smoking is allowed or prohibited;
- (7) allow the Department of Environmental Protection, a municipality, or a county in this State having jurisdiction over a public park or beach on which smoking is prohibited under the bill to take measures to educate the public about the prohibitions and penalties established, to support smoke-free parks and beaches;
- (8) allow local enforcement of the smoking prohibition at public parks or beaches; and
- (9) provide that a penalty may be imposed and recovered for a violation at a public park or beach and, if so imposed and recovered, require it to be done in accordance with current law, and involving the person having control of a public park or beach, the Department of Health or the local board of health or the board, body, or officers exercising the functions of the local board of health according to law, and the courts, except that any penalty recovered for a violation at a public park or beach that is recovered by and in the name of the Commissioner of Health or by and in the name of the local board of health would be paid 50% to the Treasury of the State and be dedicated to smoking cessation programs administered by the State Department of Health, and 50% would be paid to the treasury of the municipality where the violation occurred.