

[First Reprint]
ASSEMBLY, No. 1256

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen RUSSO and ZECKER

1 **AN ACT** prohibiting smoking in child care centers and ¹amending and¹
2 supplementing P.L.1983, c.492 (C.30:5B-1 et seq.).

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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. ¹(New section)¹ a. The Legislature finds and declares that the
8 resolution of the conflict between the right of the smoker to smoke
9 and the right of the nonsmoker to breathe clean air involves a
10 determination of when and where, rather than whether, a smoker may
11 legally smoke. It is not the public policy of this State to deny anyone
12 the right to smoke. However, the Legislature finds that in those areas
13 affected by this act the right of children and nonsmoking employees to
14 breathe clean air should ¹[supercede] ¹supersede¹ the right of the
15 smoker to smoke. The purpose of this act, therefore, is to prohibit
16 smoking in child care centers.

17 b. Smoking is prohibited in ¹[and] ¹an indoor area of a child care
18 center and¹on the grounds ¹[of child care centers] outside the center
19 when children are present¹, and in all vehicles when used for
20 center-sponsored transportation¹[, and]. In addition, smoking is
21 prohibited in an indoor area of a child care center even when children
22 are not present unless a fire wall separates the indoor area from any
23 other indoor area in which children are present. These prohibitions¹
24 shall be so indicated by the sponsor or other person who has control
25 of the child care center with a sign containing lettering not less than
26 one inch in height stating "Smoking Prohibited" ¹or ¹"Smoking
27 Prohibited When Children Are Present," as appropriate,¹ or designated
28 by the "Smoking Prohibited" international symbol. The letters or
29 symbol shall contrast in color with the sign. ¹[The sign may also
30 indicate that violators are subject to a fine.]¹ Every sign required by
31 this section shall be located so as to be clearly visible to employees of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted September 19, 1996.

1 the child care center and the public.

2 For the purposes of this section "smoking" means the burning of a
3 lighted cigar, cigarette, pipe or other matter or substance which
4 contains tobacco.

5 ¹[c. A person who violates the provisions of this act shall be subject
6 to a fine between \$25 and \$100 for each violation. The penalty shall
7 be collected by the commissioner in the name of the State in a
8 summary proceeding in accordance with "the penalty enforcement
9 law," (N.J.S.2A:58-1 et seq.).]¹

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11 ¹2. Section 9 of P.L.1983, c.492 (C.30:5B-9) is amended to read
12 as follows:

13 9. The department may deny, suspend, revoke or refuse to renew
14 a license for good cause, including, but not limited to:

15 a. Failure of a child care center or its sponsor to comply with the
16 provisions of this act;

17 b. Violation of the terms and conditions of a license by a child care
18 center or its sponsor;

19 c. Use of fraud or misrepresentation by a child care center or its
20 sponsor in obtaining a license or in the subsequent operation of the
21 center;

22 d. Refusal by a center or its sponsor to furnish the department with
23 required files, reports or records;

24 e. Refusal by a center or its sponsor to permit an inspection by an
25 authorized representative of the department during normal operating
26 hours;

27 f. Any conduct, engaged in or permitted, which adversely affects
28 or presents a serious hazard to the education, health, safety and
29 general well-being and physical and intellectual development of a child
30 attending the child care center, or which otherwise demonstrates
31 unfitness to operate a child care center; [or]

32 g. Failure to provide a developmental or age-appropriate program
33 that meets the physical, social, emotional and cognitive needs of the
34 children in the center as set forth by regulation; or

35 h. Failure of a child care center or its sponsor to comply with the
36 provisions of section 1 of P.L. , c. (C.)(pending before the
37 Legislature as this bill).¹

38 (cf: P.L.1983, c.492, s.9)

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40 ¹[2.] 3.¹ This act shall take effect on the 60th day after enactment.

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45 Prohibits smoking in child care centers when children are present.