

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2280

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 1997

The Assembly Transportation and Communications Committee reports favorably Assembly Bill No.2280 with committee amendments.

This amended bill would supplement the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, 413 (C.27:5-5 et seq.) to prohibit the Commissioner of Transportation from issuing or renewing a permit for the erection, use and maintenance of a sign or other object to be used for outdoor advertising which would display advertising material promoting a tobacco product, the use thereof, the chewing, burning or smoking of a tobacco product or the brand name of a tobacco product.

It is well established that there is a high correlation between the advertising of tobacco products and consumption of such products by minors. Tobacco advertising plays a significant role in stimulating consumption by minors, and there is also evidence linking cigarette usage by adolescents to later use of harder drugs. These conclusions and supporting studies were discussed in a federal circuit court decision which the United States Supreme Court declined to review, Penn Advertising of Baltimore, Inc. v. Mayor and Council of Baltimore, 63 F.3d 1318 (4th Cir. 1995), a case in which the court upheld against federal preemption and free speech arguments a city ordinance which prohibited the placement in a publicly visible location of signs advertising cigarettes. This bill would operate to achieve a similar restriction on tobacco product advertising in roadside areas in New Jersey. In order to reduce the illegal consumption of tobacco products by minors, it is reasonable to limit the exposure of minors to tobacco product advertising by prohibiting the placement of such signs in publicly-visible roadside areas.

The committee amended the bill to provide that it would take effect on the 60th day after enactment.