

SENATE, No. 431

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senators LYNCH and SINAGRA

1 AN ACT concerning smoking and amending P.L.1981, c.320.

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

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6 1. Section 3 of P.L.1981, c.320 (C.26:3D-17) is amended to read
7 as follows:

8 3. a. The appropriate governing body, board or individual
9 responsible for or who has control of the administration of a school,
10 college, university, or professional training school, either public or
11 private, except the board of education of a school district, shall make
12 and enforce suitable regulations controlling the smoking of tobacco on
13 their premises, except in those areas within the premises wherein
14 smoking is prohibited by municipal ordinance under authority of
15 R.S.40:48-1 and 40:48-2 or by any other statute or regulation adopted
16 pursuant to law for purposes of protecting life and property from fire.
17 The governing body, board or individual may, but need not, designate
18 certain areas within the premises as areas in which smoking is
19 permitted. Smoking in classrooms, lecture halls and auditoriums shall
20 be prohibited except as part of a classroom instruction or a theatrical
21 production.

22 b. The board of education of each school district shall make and
23 enforce regulations to prohibit the smoking of tobacco anywhere in its
24 buildings or on school grounds, except as part of a classroom
25 instruction or a theatrical production.

26 (cf: P.L.1989, c.96, s.1).

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28 2. Section 6 of P.L.1981, c.320 (C.26:3D-20) is amended to read
29 as follows:

30 6. a. The person responsible for administration of the school,
31 college, university, or professional training school or any other person
32 having control of such premises or any agent thereof or a police officer
33 or other public servant engaged in executing or enforcing this act may
34 order any person smoking in violation of this act to comply with the

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

Matter underlined thus is new matter.

1 provisions of this act. Thereupon any such person who smokes on
2 such premises in violation of this act is subject to a fine not to exceed
3 \$100.00.

4 b. The State Department of Health or the local board of health or
5 such board, body or officers exercising the functions of the local board
6 of health according to law, upon written complaint and having reason
7 to suspect that any school, college, university or professional training
8 school is or may be in violation of the provisions of this act shall, by
9 written notification, advise the person responsible for the
10 administration of the school, college, university or professional
11 training school or other person having control of the premises
12 accordingly and order appropriate action to be taken. Thereupon, any
13 person receiving such notice who knowingly fails or refuses to comply
14 with the order is subject to a fine not to exceed \$25.00 for the first
15 offense and not to exceed \$100.00 for the second offense and not to
16 exceed \$200.00 for each offense thereafter. In addition to the penalty
17 provided herein, the court may order immediate compliance with the
18 provisions of this act.

19 c. Any penalty recovered under the provisions of this act shall be
20 recovered by and in the name of the Commissioner of Health of the
21 State of New Jersey or by and in the name of the local board of health.
22 When the plaintiff is the Commissioner of Health, the penalty
23 recovered shall be paid by the commissioner into the treasury of the
24 State. When the plaintiff is a local board of health or the local board
25 of education, the penalty recovered shall be paid by the respective
26 local board into the treasury of the municipality where the violation
27 occurred.

28 d. Every municipal court shall have jurisdiction over proceedings
29 to enforce and collect any penalty imposed because of a violation of
30 any provision of this act, if the violation has occurred within the
31 territorial jurisdiction of the court. The proceedings shall be summary
32 and in accordance with [the Penalty Enforcement Law] “the penalty
33 enforcement law” (N.J.S.2A:58-1 et seq.). Process shall be in the
34 nature of a summons or warrant and shall issue only at the suit of the
35 Commissioner of Health of the State of New Jersey, [or] the local
36 board of health or the local board of education, as the case may be,
37 as plaintiff.

38 (cf: P.L.1981, c. 320, s. 6)

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40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill amends P.L.1981, c.320 (C.26:3D-15 et seq.) by
46 prohibiting smoking on school grounds and by authorizing a local

1 board of education to enforce the smoking prohibition. The current
2 law applies to the school building but not to its grounds.

3 In order to serve as a “role model” environment for students and
4 staff, and as part of a preventative educational program, this expansion
5 of the smoking prohibition to include school grounds shall serve the
6 boards of education’s policy to deter smoking among students and
7 staff.

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12 Prohibits smoking on school grounds.