

SENATE, No. 599

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator SINAGRA

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

16 b. Smoking is prohibited in and on the grounds of child care
17 centers, and in all vehicles when used for center-sponsored
18 transportation, and shall be so indicated by the sponsor or other
19 person who has control of the child care center with a sign containing
20 lettering not less than one inch in height stating "Smoking Prohibited"
21 or designated by the "Smoking Prohibited" international symbol. The
22 letters or symbol shall contrast in color with the sign. The sign may
23 also indicate that violators are subject to a fine. Every sign required
24 by this section shall be located so as to be clearly visible to employees
25 of the child care center and the public.

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

29 c. A person who violates the provisions of this act shall be subject
30 to a fine between \$25 and \$100 for each violation. The penalty shall
31 be collected by the Commissioner of Health in the name of the State
32 in a summary proceeding in accordance with "the penalty enforcement
33 law," N.J.S.2A:58-1 et seq..

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35 2. This act shall take effect on the 60th day after enactment.

STATEMENT

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This bill prohibits smoking in and on the grounds of child care centers, and in all vehicles when used for center-sponsored transportation. The bill requires the sponsor or other person who has control of the child care center to post a sign in the child care center which is clearly visible to employees and the public stating "Smoking Prohibited" in lettering not less than one inch in height or which provides the "Smoking Prohibited" international symbol. The letters or symbol are to contrast in color with the sign. The bill provides that a person who violates its provisions shall be subject to a fine of between \$25 and \$100 for each violation.

"Smoking" is defined in the bill as the burning of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco.

The bill takes effect on the 60th day after its enactment.

Prohibits smoking in child care centers.