

[First Reprint]
SENATE, No. 599

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators SINAGRA and ADLER

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 ¹[that] than¹ whether, a
11 smoker may legally smoke. It is not the public policy of this State to
12 deny anyone the right to smoke. However, the Legislature finds that
13 in those areas affected by this act the right of children and nonsmoking
14 employees to breathe clean air should ¹[supercede] supersede¹ the
15 right of the smoker to smoke. The purpose of this act, therefore, is to
16 prohibit smoking in child care centers.

17 b. Smoking is prohibited in ¹[and on the grounds of child care
18 centers] an indoor area of a child care center when children are
19 present¹, and in all vehicles when used for center-sponsored
20 transportation¹[, and]. In addition, smoking is prohibited in an indoor
21 area of a child care center even when children are not present unless
22 a fire wall separates the indoor area from any other indoor area in
23 which children are present. These prohibitions¹ shall be so indicated
24 by the sponsor or other person who has control of the child care center
25 with a sign containing lettering not less than one inch in height stating
26 "Smoking Prohibited" ¹or "Smoking Prohibited When Children Are
27 Present," as appropriate¹, or designated by the "Smoking Prohibited"
28 international symbol. The letters or symbol shall contrast in color with
29 the sign. ¹[The sign may also indicate that violators are subject to a
30 fine.]¹ Every sign required by this section shall be located so as to be
31 clearly visible to employees of the child care center and the public.

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 Senate SHH committee amendments adopted May 15, 1997.

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

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

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

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

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

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

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

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

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

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

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

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

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

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39 ¹[2.] 3.¹ This act shall take effect on the 60th day after enactment.

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