

SENATE, No. 1229

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senator SINAGRA

1 AN ACT prohibiting the advertising of tobacco products on certain
2 properties and supplementing Title 2A of the New Jersey Statutes.

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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. For purposes of this act:

8 "Arcade" means a place where a single player upon payment of a
9 fee is permitted to play a machine or device to obtain a prize, ticket or
10 token redeemable for a prize, or attain a score upon the basis of which
11 a prize, ticket or token is awarded, and which is subject to the
12 provisions of the "Amusement Games Licensing Law," P.L.1959,
13 c.109 (C.5:8-100 et seq.).

14 "Family amusement center" means an indoor or outdoor facility,
15 either publicly or privately owned or operated, which provides
16 participatory recreational activities for members of the general public,
17 and includes an amusement park, fair, carnival, arcade, video arcade
18 and other similar facilities.

19 "Sports stadium" means any indoor or outdoor facility, either
20 publicly or privately owned or operated, whose primary purpose is to
21 hold amateur or professional athletic events.

22 "Tobacco product" means cigarettes, cigars, loose tobacco, and
23 smokeless tobacco.

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25 2. No sports stadium shall sell, rent or lease advertising space, or
26 cause or otherwise permit the display of advertising material, on any
27 property of the stadium if the advertisement advocates or promotes
28 the brand name of a tobacco product. The provisions of this section
29 shall apply to permanent billboards and other permanent signs on the
30 property of the sports stadium.

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32 3. No public or private entity which operates a sports stadium,
33 arena or other similar recreational facility in the State shall permit
34 brand name tobacco product sponsorship of any event, performance
35 or other activity at the facility, unless the promoter of the event,
36 performance or other activity, or manager of the facility, certifies to
37 the governing body in the municipality in which the facility is located

1 that at least 75% of the persons who will be in attendance at the event,
2 performance or other activity are expected to be 18 years of age or
3 older. The provisions of the section shall not apply to motor sports
4 events and rodeo productions.

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6 4. No family amusement center shall sell, rent or lease advertising
7 space, or cause or otherwise permit the display of advertising material,
8 on any property of the family amusement center to which persons
9 under 18 years of age have access, if the advertisement advocates or
10 promotes a tobacco product, the use thereof, the chewing, burning or
11 smoking of a tobacco product, or the brand name of a tobacco
12 product. In addition to its applicability to billboards and other signs,
13 this section shall apply to all types of advertising materials, including,
14 but not limited to: the display of such advertising materials at
15 concession stands and restaurants on property of the family amusement
16 center. For purposes of this section, the packaging of a tobacco
17 product shall not be considered advertising material.

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19 5. The provisions of sections 2 and 4 of this act shall not apply to
20 any contract or agreement for the type of advertising prohibited by this
21 act entered into or renewed before the effective date of this act. No
22 contract or agreement for the type of advertising prohibited by this act
23 entered into or renewed before the effective date of this act shall be
24 extended or amended to lengthen the duration of the contract or
25 agreement.

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27 6. This act shall take effect on the 60th day following enactment.

28 29 30 STATEMENT

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32 This bill establishes certain restrictions on advertising and
33 promoting of events by tobacco product manufacturers.

34 Specifically, the bill provides that sports stadiums shall not sell, rent
35 or lease advertising space, or cause or otherwise permit the display of
36 advertising material, on any property of the stadium if the
37 advertisement advocates or promotes the brand name of a tobacco
38 product. The prohibition applies to permanent billboards and other
39 permanent signs on the property of the sports stadium. The bill
40 defines sports stadium to mean any indoor or outdoor facility, either
41 publicly or privately owned or operated, whose primary purpose is to
42 hold amateur or professional athletic events.

43 The bill also prohibits public or private entities which operate a
44 sports stadium, arena or other similar recreational facility in the State,
45 from permitting brand name tobacco product sponsorship of any event,
46 performance or other activity at the facility, unless the promoter of the

1 event, performance or other activity, or manager of the facility,
2 certifies to the governing body in the municipality in which the facility
3 is located that at least 75% of the persons who will be in attendance
4 at the event, performance or other activity are expected to be 18 years
5 of age or older. This prohibition, however, shall not apply to motor
6 sports events and rodeo productions.

7 Finally, the bill provides that no family amusement center shall sell,
8 rent or lease advertising space, or cause or otherwise permit the
9 display of advertising material, on any property of the family
10 amusement center to which persons under 18 years of age have access,
11 if the advertisement advocates or promotes a tobacco product, the use
12 thereof, the chewing, burning or smoking of a tobacco product, or the
13 brand name of a tobacco product. In addition to its applicability to
14 billboards and other signs, this prohibition shall apply to all types of
15 advertising materials, including, but not limited to: the display of such
16 advertising materials at concession stands and restaurants on property
17 of the family amusement center. The bill defines family amusement
18 center to mean an indoor or outdoor facility, either publicly or
19 privately owned or operated, which provides participatory recreational
20 activities for members of the general public, and includes an
21 amusement park, fair, carnival, arcade, video arcade and other similar
22 facilities.

23 The advertising prohibitions in the bill do not apply to existing
24 contracts or agreements for such advertising space entered into or
25 renewed prior to the effective date of this bill.

26 The restrictions on advertising of tobacco products in facilities and
27 during events at which minors are likely to be present are intended to
28 reduce the use of tobacco products by minors. The provisions in the
29 bill are consistent with recent proposals made by Philip Morris USA
30 for curbing use of tobacco products by minors.

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35 Establishes restrictions on advertising of tobacco products in certain
36 recreational arenas.