

SENATE, No. 1232

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senator SINAGRA

1 AN ACT concerning tobacco product advertising outdoors and in  
2 certain retail establishments and supplementing Title 40 of the  
3 Revised Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. Every municipality in the State shall adopt an ordinance within  
9 60 days of the effective date of this act prohibiting tobacco product  
10 advertising on billboards in that municipality that are less than 225  
11 square feet in size. For the purposes of this section, "tobacco  
12 product" includes cigarettes, loose tobacco, cigars, and smokeless  
13 tobacco.

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15 2. Every municipality in the State shall adopt an ordinance within  
16 60 days of the effective date of this act prohibiting any outward-facing  
17 retail window displays that advertise any tobacco products in retail  
18 establishments in the municipality that are located within 1,000 feet of  
19 any school property used for school purposes which is owned by or  
20 leased to any elementary or secondary school or school board or  
21 within 1,000 feet of any outdoor playground. For the purposes of this  
22 section, "tobacco product" includes cigarettes, loose tobacco, cigars,  
23 and smokeless tobacco.

24 The boundaries of the 1,000 foot perimeter shall be determined by  
25 a municipality upon adoption of a resolution or ordinance approving  
26 a map, produced or reproduced by a municipal or county engineer for  
27 the purpose of depicting the location and boundaries of the area within  
28 1,000 feet of any such school property or playground, as official  
29 finding and record of the location and boundaries of the area on or  
30 within 1,000 feet of school property or a playground.

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32 3. Any person who violates the provisions of this act shall be liable  
33 to a penalty of not less than \$100 or more than \$300 for a first  
34 offense and \$1,000 for each subsequent offense for each day the  
35 billboard or sign is determined to be in violation of this act.

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37 4. a. The local health agency for the municipality shall investigate

1 all bona fide complaints of violations of this act it receives in its  
2 jurisdiction. Any penalty recovered under this act shall be recovered  
3 by and in the name of the local health agency. The penalty recovered  
4 shall be paid by the local agency into the treasury of the municipality  
5 wherein the violation occurred.

6 b. The municipal court shall have jurisdiction over proceedings to  
7 enforce and collect any penalty imposed because of a violation of any  
8 provision of this act, if the violation has occurred within the territorial  
9 jurisdiction of the court. The proceedings shall be summary and in  
10 accordance with "the penalty enforcement law," N.J.S.2A:58-1 et seq.  
11 Process shall be in the nature of a summons or warrant and shall issue  
12 by the local health agency or the municipal law enforcement authority.

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14 5. This act shall take effect 30 days after enactment.  
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#### 17 STATEMENT

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19 This bill prohibits the advertising of tobacco products on billboards  
20 that are less than 225 square feet that are generally located in urban  
21 areas of the State. The bill also prohibits tobacco advertising on  
22 outward-facing retail window displays in establishments that are within  
23 1,000 feet of a school or playground.

24 The bill directs municipalities to adopt ordinances to restrict this  
25 type of tobacco advertising in the areas within their jurisdiction. The  
26 bill also authorizes local health agencies to investigate all bona fide  
27 complaints of violations of the bill it receives in its jurisdiction. Any  
28 penalty recovered under the bill shall be recovered by and in the name  
29 of the local health agency. The penalty recovered shall be paid by the  
30 local agency into the treasury of the municipality wherein the violation  
31 occurred.

32 The penalty for violation of the provisions of the bill is a fine of not  
33 less than \$100 or more than \$300 for a first offense and \$1,000 for  
34 each subsequent offense for each day the billboard or sign is  
35 determined to be in violation of the bill.

36 The prohibitions on advertising of tobacco products in this bill are  
37 for the purpose of reducing the attractiveness of tobacco products to  
38 minors and, therefore, their use of these products. These provisions  
39 are consistent with recent proposals made by Philip Morris USA for  
40 curbing use of tobacco products by minors.

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45 Prohibits advertising of tobacco products on small billboards and  
46 outward-facing window displays of certain retail establishments.