

ASSEMBLY, No. 305

STATE OF NEW JERSEY

216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman DAVID C. RUSSO
District 40 (Bergen, Essex, Morris and Passaic)
Assemblyman SCOTT T. RUMANA
District 40 (Bergen, Essex, Morris and Passaic)
Assemblyman CHARLES MAINOR
District 31 (Hudson)
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)

Co-Sponsored by:

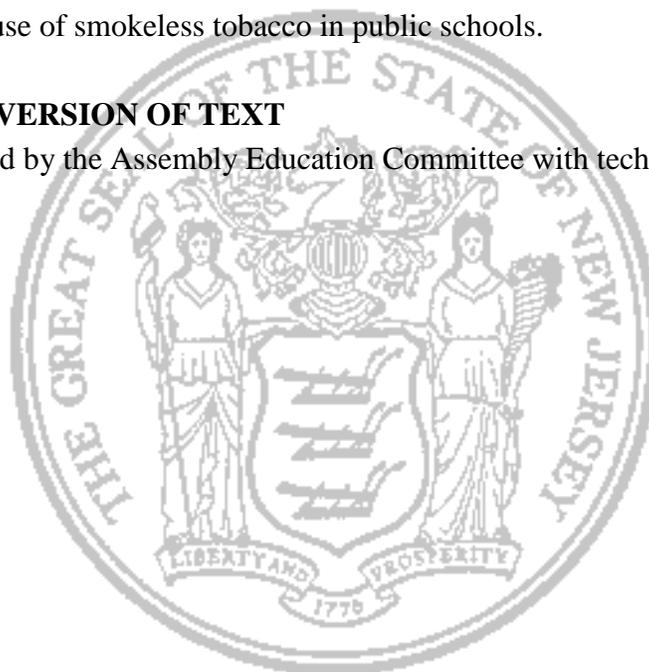
Assemblymen Wimberly, Coughlin and Assemblywoman Jasey

SYNOPSIS

Prohibits use of smokeless tobacco in public schools.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee with technical review.



(Sponsorship Updated As Of: 6/12/2015)

1 AN ACT concerning the use of smokeless tobacco in public schools
2 and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. The use of smokeless tobacco is prohibited in any area of
8 any building of, or on the grounds of, any public school.

9 As used in this section, "use of smokeless tobacco" means the
10 inhalation, chewing, or placement in the oral cavity of snuff,
11 chewing tobacco, or any other matter or substance which contains
12 tobacco.

13 b. The board of education of each school district shall ensure
14 the placement, in every public entrance to a public school building
15 in its district, of a sign which shall be located so as to be clearly
16 visible to the public and shall contain letters which contrast in color
17 with the sign, indicating that the use of smokeless tobacco is
18 prohibited therein.

19 c. (1) The board of education of each school district shall
20 order any person using smokeless tobacco in violation of this
21 section to comply with the provisions of this section. A person,
22 after being so ordered, who uses smokeless tobacco in violation of
23 this section is subject to a fine of not less than \$250 for the first
24 offense, \$500 for the second offense, and \$1,000 for each
25 subsequent offense. A penalty shall be recovered in accordance
26 with the provisions of paragraphs (3) and (4) of this subsection.

27 (2) The department, the local board of health, or the board,
28 body, or officers exercising the functions of the local board of
29 health according to law, upon written complaint or having reason to
30 suspect that a public school is or may be in violation of the
31 provisions of this section, shall, by written notification, advise the
32 board of education of the school district accordingly and order
33 appropriate action to be taken. A board of education that receives
34 that notice and fails or refuses to comply with the order is subject to
35 a fine of not less than \$250 for the first offense, \$500 for the second
36 offense, and \$1,000 for each subsequent offense. In addition to the
37 penalty provided herein, a court may order immediate compliance
38 with the provisions of this section.

39 (3) A penalty recovered under the provisions of this section
40 shall be recovered by, and in the name of, the Commissioner of
41 Health or by, and in the name of, the local board of health. When
42 the plaintiff is the commissioner, the penalty recovered shall be
43 paid by the commissioner into the treasury of the State. When the
44 plaintiff is a local board of health, the penalty recovered shall be
45 paid by the local board into the treasury of the municipality where
46 the violation occurred.

A305 RUSSO, RUMANA

1 (4) A municipal court shall have jurisdiction over proceedings
2 to enforce and collect any penalty imposed because of a violation of
3 this section if the violation has occurred within the territorial
4 jurisdiction of the court. The proceedings shall be summary and in
5 accordance with the "Penalty Enforcement Law of 1999," P.L.1999,
6 c.274 (C.2A:58-10 et seq.). Process shall be in the nature of a
7 summons or warrant and shall issue only at the suit of the
8 commissioner or the local board of health, as the case may be, as
9 plaintiff.

10 (5) The penalties provided in paragraphs (1) and (2) of this
11 subsection shall be the only civil remedy for a violation of this
12 section. There shall be no private right of action against a party for
13 failure to comply with the provisions of this section.

14 d. The provisions of this section shall supersede any other
15 statute, municipal ordinance, and rule or regulation adopted
16 pursuant to law concerning the use of smokeless tobacco in public
17 schools.

18

19 2. This act shall take effect on the first day of the third month
20 next following the date of enactment, but the board of education of
21 each school district may take such anticipatory administrative
22 action in advance thereof as shall be necessary for the
23 implementation of this act.