

ASSEMBLY BILL NO. 1080
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1080 (Second Reprint) without my approval.

In 2006, New Jersey enacted the "Smoke Free Air Act," which establishes a general prohibition on smoking in most indoor places in this State. This bill would extend that act to also apply to public parks and beaches, subject to certain exemptions. Municipalities, counties, or the State, as applicable, would be required to enforce the provisions of this bill and impose fines for noncompliance.

The issues presented in this bill have been thoughtfully debated by local officials for many years. In fact, at present, more than 240 municipalities and 12 counties have ordinances in place that ban smoking in municipal and county parks. Additionally, more than a dozen municipalities have also enacted laws to ban smoking on beaches. Accordingly, our local elected officials have long defined the policy course concerning smoking in public that is in the best interests of their constituents, through a deliberative balancing of public health, safety, economics, individual liberties, and other factors relevant for consideration by such officials.

While I appreciate the sponsors' concerns regarding the health risks posed by smoking and second-hand smoke, I am not persuaded that a prescriptive, one-size-fits-all State ban on smoking at public parks and beaches is advisable at this time. Too often, policy-makers at more centralized levels of government encroach into areas of public policy previously reserved for more localized governing bodies. Here, for example, local officials across the State over the past few

years have thoughtfully considered whether, and to what extent, a ban on smoking at parks and beaches would be appropriate for their citizens. While some municipalities and counties have decided to impose prohibitions under certain circumstances, others have determined that their resources are better spent on other priorities.

Therefore, with respect to the issues presented by this bill, I do not believe that the State should substitute its judgment for that of our local elected officials or upset the careful balancing of interests that informs the decision-making process at the local level. Moreover, with respect to State parks and beaches, it should be noted that nothing set forth in current State law prohibits State entities from imposing restrictions on smoking at these venues. Thus, because one aspect of this bill is unnecessary, and the other aspect of the bill replaces the judgment of local elected officials with that of the State, I cannot support it.

Accordingly, I herewith return Assembly Bill No. 1080 (Second Reprint) without my approval.

[seal]

Respectfully,
/s/ Chris Christie
Governor

Attest:

/s/Christopher S. Porrino
Chief Counsel to the Governor