ASSEMBLY, No. 2623

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires DEP to designate smoke-free sections of State beaches, parks, and forests.

CURRENT VERSION OF TEXT

As introduced.

AN ACT designating sections of State beaches, parks, and forests as smoke-free areas and amending and supplementing P.L.1983, c.324.

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

1. Section 3 of P.L.1983, c.324 (C.13:1L-3) is amended to read as follows:

3. For the purposes of this act:

"All-terrain vehicle" means the same as the term is defined pursuant to section 1 of P.L.1973, c.307 (C.39:3C-1).

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

"Dirt bike" means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

"Forest resources" means those renewable products and reusable resources of all forest lands in the State, including but not limited to trees, timber, shrubs, and other vegetation, and the value of forest lands relating to recreation, wilderness appreciation, aesthetic appeal, and soil fertility.

"Green Acres program" means the program for the purchase of land for recreation and conservation purposes pursuant to P.L.1961, c.45 (C.13:8A-1 et seq.), P.L.1971, c.419 (C.13:8A-19 et seq.), P.L.1975, c.155 (C.13:8A-35 et seq.), any Green Acres bond act, and P.L.1999, c.152 (C.13:8C-1 et seq.).

"Recreational activities" includes, but is not limited to, fresh and salt water swimming, water skiing, boating and fishing, ice skating, snow skiing, camping, trail hiking, horseback riding, picnicking, bicycling, court and field games, track and field events, birdwatching, playground activities, and golf.

"Snowmobile" means the same as the term is defined pursuant to section 1 of P.L.1973, c.307 (C.39:3C-1).

"State parks and forests" means all State owned or leased lands, waters and facilities administered by the Department of Environmental Protection, including, but not limited to, parks, forests, <u>beaches,</u> recreational areas, marinas, historic sites, burial sites, and natural areas, but not including wildlife management areas or reservoir lands.

(cf: P.L.1983, c.324, s.3; amended 2009, c.275, s.35)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

2. (New section) Notwithstanding any law, rule, regulation or ordinance to the contrary, all State parks and forests shall have a designated smoke-free area, as determined by the Department of Environmental Protection. The department may designate all or a portion of a State park or forest as smoke-free.

3. (New section) The department shall post signs at smoke-free areas in State parks and forests which shall be located so as to be clearly visible to the public and shall contain letters at least one inch in height and the international symbol for "No Smoking" indicating that smoking is prohibited therein. Each sign shall also indicate that violators are subject to a fine.

4. (New section) If a State park or forest has an area designated for smoking, as determined by the department, signs shall be posted by the department stating "Smoking Permitted" in letters at least one inch in height or marked by the international symbol for "Smoking Permitted" in those areas where smoking is permitted.

The department shall make available waste containers, or other receptacles suitable for the depositing of waste including cigarette butts, cigar butts, and other tobacco products, in the designated areas where smoking is permitted.

5. (New section) Notwithstanding the provisions of N.J.S.2C:33-13 and section 23 of P.L.1983, c.324 (C:13:1L-23), any person who smokes or carries lighted tobacco while on any designated smoke-free area of a State park or forest, and when adequate notice of such prohibition has been conspicuously posted, shall be subject to a fine of not less than $250 for the first offense, $500 for the second offense and $1,000 for each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6. This act shall take effect on the 90th day after the date of enactment, but the Commissioner of Environmental Protection may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill requires State owned beaches, parks, and forests to have designated smoke-free areas, as determined by the Department of Environmental Protection. This bill requires the department to provide the proper disposal receptacles for the depositing of waste, including cigarette butts and other tobacco products, for those beaches, parks, and forests that have designated areas permitting smoking.

State owned beaches, parks, and forests are important assets to the State. By prohibiting and limiting smoking at State owned beaches, parks, and forests, New Jersey's natural assets will be better preserved and maintained and visitors will find value in having smoke-free areas.