

[First Reprint]

**SENATE, No. 293**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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**Assemblymen Wimberly, Coughlin, Assemblywomen Jasey, McKnight and Jimenez**

**SYNOPSIS**

Prohibits use of smokeless tobacco in public schools.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on June 19, 2017, with amendments.

(Sponsorship Updated As Of: 1/9/2018)

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. Except as  
22 otherwise provided pursuant to subsection d. of this section, a  
23 person, after being so ordered, who uses smokeless tobacco in  
24 violation of this section is subject to a fine of not less than \$250 for  
25 the first offense, \$500 for the second offense, and \$1,000 for each  
26 subsequent offense. A penalty shall be recovered in accordance  
27 with the provisions of paragraphs (3) and (4) of this subsection.

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

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

**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 thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 19, 2017.

1 plaintiff is a local board of health, the penalty recovered shall be  
2 paid by the local board into the treasury of the municipality where  
3 the violation occurred.

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

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

17 d. A student who violates the provisions of this section after  
18 being ordered by the board of education of the district to comply  
19 with the provisions of this section, shall not be subject to the fines  
20 established pursuant to paragraph (1) of subsection c. of this  
21 section, but rather shall be prohibited by the board of education of  
22 the district from participation in all extracurricular activities,  
23 including interscholastic athletics, and the revocation of any student  
24 parking permit that the student may possess. The board of  
25 education shall adopt a policy that establishes the length of a  
26 suspension or revocation to be imposed on a student for an initial or  
27 subsequent violation of the provisions of this section.

28 <sup>1</sup>[e. The provisions of this section shall supersede any other  
29 statute, municipal ordinance, and rule or regulation adopted  
30 pursuant to law concerning the use of smokeless tobacco in public  
31 schools.]<sup>1</sup>

32  
33 2. This act shall take effect on the first day of the third month  
34 next following the date of enactment, but the board of education of  
35 each school district may take such anticipatory administrative  
36 action in advance thereof as shall be necessary for the  
37 implementation of this act.