

ASSEMBLY BILL NO. 893
(First Reprint)

ADVANCE COPY

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 893 (First Reprint) with my recommendations for reconsideration.

This bill would extend the provisions of the "New Jersey Smoke Free Air Act," which generally prohibits smoking in indoor public places and workplaces, to public parks and beaches throughout the State. In 2014, I vetoed substantially similar legislation that sought to ban smoking at all public parks and beaches. My view was that a one-size-fits-all approach to prohibiting smoking outdoors at locally-run parks and beaches was an inappropriate encroachment by the State into an area of public policy properly reserved for local governments.

In 2014, I pointed out that well over 200 municipalities and a dozen counties had banned smoking in their parks and beaches, and that there was no shortage of action at the local level when local officials deemed it appropriate. Since then, more local governments have passed similar bans, with the number of towns prohibiting smoking at their parks and beaches now approaching 300.

Under this bill, all towns would be obligated to post at their own expense "no smoking" signs at all entrances to their parks and beaches that conform to the dictates of this bill and enforce the ban under threat of fines for failing to do so. Even towns that have already restricted smoking in their parks and beaches could be negatively impacted by having to conform their particular practices to these requirements.

I abhor smoking. But I continue to believe that the State should not impose its will upon our local governments, and

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

instead continue to leave it up to towns and counties whether to ban smoking in their parks and beaches, and if they choose to do so, to effectuate and enforce such bans in their own ways. Many local governments have acted to prevent smoking at parks and beaches and I expect that more will follow if it serves their particular needs.

State parks and beaches are another matter. In vetoing the previous iteration of this legislation, I pointed out that nothing within the law prohibits State agencies from banning smoking at State-run parks and beaches. On the other hand, nothing within the current law compels State agencies to do so. In light of the Legislature's continued interest in this area, I am willing to endorse a measure that bans smoking at State-run parks and beaches, but that does not interfere with parks and beaches within the jurisdiction of local governments.

Accordingly, I herewith return Assembly Bill No. 893 (First Reprint) and recommend that it be amended as follows:

- Page 2, Title, Line 1: Delete "public" and insert "State"
- Page 2, Section 2, Line 30: Delete "public" and insert "State"
- Page 2, Section 2, Line 37: Delete "public" and insert "State"
- Page 3, Section 3, Line 48: Delete "public" and insert "State"
- Page 4, Section 3, Line 3: Delete "public" and insert "State"
- Page 4, Section 3, Line 5: Delete "Public" and insert "State"
- Page 4, Section 3, Lines 5-6: Delete "a county or municipal park,"
- Page 4, Section 3, Line 6: Delete ", county, or municipal"
- Page 4, Section 3, Line 7: Delete "public" and insert "State"
- Page 4, Section 4, Line 30: Delete "public" and insert "State"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

Page 5, Section 5, Line 12: Delete "and"

Page 5, Section 5, Line 24: After " ";" insert "and"

Page 5, Section 5, Line 25: Delete "; and" and insert "."

Page 5, Section 5, Lines 26-29: Delete in their entirety

Page 5, Section 6, Line 34: After "a." insert "(1)"

Page 5, Section 6, Line 35: Delete "or a public park or beach"

Page 5, Section 6, Lines 36-37: Delete "or the public park or beach"

Page 5, Section 6, Lines 42-43: Delete "or the public park or beach"

Page 5, Section 6, Line 47: Before "b." insert "(2) The Department of Environmental Protection shall place, at every entrance to a State park or beach that is commonly used by the public, as determined by the department, signs that are clearly visible to the public and contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein, except as otherwise provided pursuant to this act."

Page 6, Section 7, Lines 6-11: Delete in their entirety

Page 6, Section 8, Line 13: Delete "8." and insert "7."

Page 6, Section 8, Line 16: Delete "public" and insert "State"

Page 6, Section 8, Line 23: After "b." insert "(1)"

Page 6, Section 8, Lines 26-27: Delete "or a public park or beach"

Page 6, Section 8, Line 35: Before "c." insert "(2) The Department of Health, upon written complaint or having reason to suspect that a State park or beach covered by the provisions of this act is or may be in violation of the provisions of this act, shall, by written notification, advise the Department of Environmental Protection accordingly, and the Department of Environmental Protection shall take appropriate action."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4

Page 6, Section 8, Lines 47-48: Delete "that occur in an indoor public place or public park or beach"

Page 7, Section 9, Lines 13-26: Delete in their entirety

Page 7, Section 10, Line 28: Delete "10." And insert "8."

Page 7, Section 10, Line 33: Delete "shall" and insert "may"

Page 7, Section 11, Line 37: Delete "11." and insert "9."
Respectfully,

[seal]
/s/Chris Christie
Governor

Attest:

/s/ Thomas P. Scrivo
Chief Counsel to the Governor