

26:3D-3, 26:3D-11, 26:3D-18

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:3D-3, 26:3D-11, 26:3D-18 (No smoking signs--provides for posting)

LAWS 1982 CHAPTER 175

Bill No. A1111

Sponsor(s) L. Brown

Date Introduced March 11, 1982

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~No~~ Assembly Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks

Date of Passage: Assembly June 17, 1982

Senate Sept. 23, 1982

Date of approval Nov. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1111

STATE OF NEW JERSEY

ADOPTED JUNE 17, 1982

By Assemblywoman BROWN

AN ACT concerning signs relative to no smoking in certain places
and amending P. L. 1981, c. 318, P. L. 1981, c. 319, and P. L. 1981,
c. 320.

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

1 1. Section 3 of P. L. 1981, c. 318 (C. 26:3D-3) is amended to read
2 as follows:

3 3. Smoking is prohibited in every passenger elevator in every
4 building other than a single family dwelling. On every elevator
5 affected by this act and [on the wall adjacent to] *in a location*
6 *clearly visible to the public near the entrance of the elevator or a*
7 *group of elevators* on each floor, the owner or person in control of
8 the building shall post a sign with letters at least [2 inches] *1 inch*
9 in height [contrasting in color with the sign] stating "Smoking
10 Prohibited[: Violators are Subject to Fine.]" *or the international*
11 *symbol for "Smoking Prohibited". The letters or symbol shall con-*
12 *trast in color with the sign. The sign may also indicate that vio-*
13 *lators are subject to a fine.*

1 2. Section 5 of P. L. 1981, c. 319 (C. 26:3D-11) is amended to read
2 as follows:

3 5. a. A sign indicating that smoking is prohibited in the health
4 care facility except in designated areas shall be posted by any
5 person or his agent who has control of the facility at each public
6 entrance to the facility. *The sign may indicate that *[violations]**
7 **violators* are subject to a fine.* Each permitted smoking area shall
8 be posted as such by a sign, except in private rooms and rooms
9 where all patients consent to permit smoking.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted September 16, 1982.

10 Except for the entrance signs, the signs required by this subsec-
 11 tion shall consist of letters at least [2 inches] 1 inch in height,
 12 [contrasting in color with the sign and shall state either] stating
 13 "Smoking Permitted" [or "Smoking Prohibited: Violators Sub-
 14 ject to Fine."'] or the international "Smoking Permitted" symbol.
 15 Every sign required by this subsection shall be located so as to be
 16 clearly visible to the public and shall contain letters or a symbol
 17 which contrast in color with the sign.

18 b. A sign indicating that smoking is prohibited or permitted in
 19 the waiting room of an office of any person licensed to practice the
 20 healing arts shall be posted by the person who has control of the
 21 office [at each public entrance to the office] in each waiting room.
 22 The sign may indicate that violators are subject to a fine. The signs
 23 required by this subsection shall consist of letters at least [2 inches]
 24 1 inch in height [contrasting in color with the sign and shall state]
 25 stating either "Smoking Permitted" or "Smoking Prohibited:
 26 Violator Subject to Fine"'] or the appropriate "Smoking Permit-
 27 ted" or "Smoking Prohibited" international symbol. Every sign
 28 required by this subsection shall be located so as to be clearly visible
 29 to the public and shall contain letters or a symbol which contrast in
 30 color with the sign.

1 3. Section 4 of P. L. 1981, c. 320 (C. 26:3D-18) is amended to read
 2 as follows:

3 4. Every public entrance to a school, college, university or pro-
 4 fessional training school building shall be posted by the person who
 5 has control of the building with a sign [stating "Smoking Prohi-
 6 bited except in Designated Areas: Violators Subject to Fine"']
 7 indicating that smoking is prohibited in the building except in desig-
 8 nated areas. The sign may also indicate that violators are subject
 9 to a fine. Areas where smoking is permitted shall be so designated
 10 with a sign stating "Smoking Permitted[.]" [Every sign shall con-
 11 tain lettering not less than 2 inches] in letters at least 1 inch in
 12 height [contrasting in color with the sign] or by the international
 13 symbol for "Smoking Permitted". Every sign required by this sec-
 14 tion shall be located so as to be clearly visible to the public and shall
 15 contain letters or a symbol which contrast in color with the sign.

1 4. This act shall take effect 120 days after enactment.

ASSEMBLY, No. 1111

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblywoman BROWN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning the posting of signs relative to smoking in
buildings of educational and training institutions and amending
P. L. 1981, c. 320.

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

1 1. Section 4 of P. L. 1981, c. 320 (C. 26:3D-18) is amended to
2 read as follows:

3 4. **Every entrance to a school, college, university or professional**
4 **training school building shall be posted by the person who has**
5 **control of the building with a sign stating "Smoking Prohibited**
6 **Except in Designated Areas: Violators Subject to Fine." Areas**
7 **where smoking is permitted shall be so designated with a sign**
8 **stating "Smoking Permitted." Every sign shall contain lettering**
9 **not less than 2 inches in height contrasting in color with the sign.**
10 **Every sign shall be located so as to be clearly visible to the public.]**

11 *The person who has control of a school, college, university or*
12 *professional training school building shall cause to be posted at*
13 *each entrance to the building from the outside of the building a*
14 *sign stating "No Smoking Except in Designated Areas." An area*
15 *where smoking is permitted shall be so designated with a sign*
16 *stating "Smoking Permitted." Each sign shall contain lettering*
17 *of a sufficient height and of a color contrasting with the remainder*
18 *of the sign and shall be so located that the sign is clearly visible*
19 *to the public.*

1 2. This act shall take effect immediately.

**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 printed in italics thus is new matter.**

STATEMENT

The purpose of this bill is to clarify and make somewhat less onerous the provision requiring the posting of signs relative to smoking in the recently enacted law which controls smoking in educational and training institutions. The bill provides that signs stating "No Smoking Except in Designated Areas" must be posted only at each entrance to the building from the outside of the building. The current provision could be interpreted to require the posting of these signs at every entrance to rooms within a building. The bill also removes the requirement that letters in the signs be at least 2 inches in height. The bill provides that each sign shall contain lettering of sufficient height and of a color contrasting with the remainder of the sign and shall be so located that the sign is clearly visible to the public. The pertinent criterion is that the sign be "clearly visible to the public."

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1111

STATE OF NEW JERSEY

DATED: JUNE 17, 1982

This bill clarifies and redrafts language concerning smoking signs.

Specifically, section 1 concerning elevators provides that a no smoking sign would have to be located near an elevator or group of elevators on each floor as well as in the elevator. The bill would lower the height of the letters of such sign to 1 inch, would permit the international symbol for no smoking and makes optional language indicating that violators are subject to a fine.

Section 2 likewise lowers the height requirements for sign letters to 1 inch in health care facilities, permits the international symbol and makes optional the warning that violators are subject to a fine.

Section 3 involves signs in educational facilities and parallels the changes made for signs in elevators and health care facilities concerning height of letters, the international symbol and optional warning. The bill also provides that the sign indicating that smoking in the facility is prohibited except in designated areas is to be located only at every public entrance.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1111

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 12, 1982

This bill, as revised by the Assembly Judiciary Committee in its committee substitute, would amend the language concerning signs in the recently enacted laws controlling smoking in elevators, health care facilities and educational and training institutions (P. L. 1981, c. 318, C. 26:3D-3; P. L. 1981, c. 319, C. 26:3D-11; and P. L. 1981, c. 320, C. 26:3D-18).

Section 1, concerning elevators, provides that "no smoking" signs would have to be located near an elevator or group of elevators on each floor as well as in the elevator. The height of the letters on the sign would be reduced from two inches to one inch, and instead of the words "no smoking", the international symbol for "no smoking" could be posted. Language on the sign indicating that violators are subject to a fine would be optional.

Sections 2 and 3 make parallel changes in the requirements for "no smoking" signs in health care facilities and in educational facilities.

Section 3 also provides that signs indicating that smoking is prohibited except in designated areas in educational facilities be located only at every public entrance to the facility.

The purpose of this bill is to correct the confusion and concern that arose when these laws were enacted over the appropriateness of the size requirement for letters on the signs and the requirements about where the signs should be located. This bill would make the requirements of the law more flexible while retaining the law's original purpose of controlling smoking in certain places.

The committee adopted an amendment to change the word "violations" to "violators" on page 1, section 2, line 6.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: PAUL WOLCOTT

FRIDAY, NOVEMBER 12, 1982

Governor Thomas H. Kean today signed the following bills:

S-1582, sponsored by Senator H. James Saxton, R-Burlington, which provides that a governing body fixing a budget for a fire district, include in the budget enough money to cover debt service. Currently, if a fire district's budget is rejected by voters, the governing body must fix an annual budget for the district, but is prevented from exceeding the previous year's amount in any given category. This creates problems in cases where voters authorize a debt, then fail to approve a budget to pay for it. This bill allows the governing body to appropriate enough money in a rejected budget to meet debt service requirements.

A-1111, sponsored by Assemblywoman Leanna Brown, R-Morris, which makes permanent amendments in the laws applying to the size of no smoking signs in some public buildings. The original law required signs with letters two inches high, which made the signs too big to be practical. The amendment allows for one inch high letters or the international "No Smoking" symbol.

A-1885, sponsored by Assemblywoman Barbara F. Kalik, which authorizes New Jersey wineries to ship wine to addresses within the State by retail delivery services which are otherwise not licensed to transport alcoholic beverages. The law previously required that retail delivery services pay a \$500 license fee to carry alcoholic beverages. That requirement is now removed for New Jersey domestic wine delivered within the State.

S-611, sponsored by Senator S. Thomas Gagliano, R-Monmouth, which creates an exemption from the firearm purchase permit laws for the purchase of safety and emergency flare devices for boats and aircraft.

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