

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"A look at new laws signed by Christie - Governor approves more than 100 bills on last day," The Record, January 16, 2018

"Christie era ends with a flurry of bills to sign - Outdoing Governor approves regulations for drones, disbands SPCA and more," The Times, January 16, 2018

"Chris Christie's final acts: Bills he made law and killed, from drones to circus animals," nj.com, January 15, 2018

"Highlights from a busy last day," Hunterdon County Democrat, January 18, 2018

RH/CL

Title 26.
Chapter 3D.
(Rename)
Tobacco Use in
Public Places
§1 - C.26:3D-66
§2 - Note

P.L. 2017, CHAPTER 284, *approved January 16, 2018*
Senate, No. 293 (*First Reprint*)

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

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:

¹Assembly AAP committee amendments adopted June 19, 2017.

1 a fine of not less than \$250 for the first offense, \$500 for the second
2 offense, and \$1,000 for each subsequent offense. In addition to the
3 penalty provided herein, a court may order immediate compliance
4 with the provisions of this section.

5 (3) A penalty recovered under the provisions of this section
6 shall be recovered by, and in the name of, the Commissioner of
7 Health or by, and in the name of, the local board of health. When
8 the plaintiff is the commissioner, the penalty recovered shall be
9 paid by the commissioner into the treasury of the State. When the
10 plaintiff is a local board of health, the penalty recovered shall be
11 paid by the local board into the treasury of the municipality where
12 the violation occurred.

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

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

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

37 ¹[e. The provisions of this section shall supersede any other
38 statute, municipal ordinance, and rule or regulation adopted
39 pursuant to law concerning the use of smokeless tobacco in public
40 schools.]¹

41

42 2. This act shall take effect on the first day of the third month
43 next following the date of enactment, but the board of education of
44 each school district may take such anticipatory administrative
45 action in advance thereof as shall be necessary for the
46 implementation of this act.

47

48

49

50 Prohibits use of smokeless tobacco in public schools.

SENATE, No. 293

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Prohibits use of smokeless tobacco in public schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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
45 plaintiff is a local board of health, the penalty recovered shall be
46 paid by the local board into the treasury of the municipality where
47 the violation occurred.

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

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

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

25 e. The provisions of this section shall supersede any other
26 statute, municipal ordinance, and rule or regulation adopted
27 pursuant to law concerning the use of smokeless tobacco in public
28 schools.

29
30 2. This act shall take effect on the first day of the third month
31 next following the date of enactment, but the board of education of
32 each school district may take such anticipatory administrative
33 action in advance thereof as shall be necessary for the
34 implementation of this act.

35
36
37 STATEMENT

38
39 This bill prohibits the use of smokeless tobacco in any area of
40 any building of, or on the grounds of, any public school. The bill
41 requires the board of education of each school district to ensure the
42 placement, in every public entrance to a public school building in
43 its district, of a sign indicating that the use of smokeless tobacco is
44 prohibited in the school. The penalties for using smokeless tobacco
45 in violation of this bill would be a fine of not less than \$250 for the
46 first offense, \$500 for the second offense, and \$1,000 for each
47 subsequent offense. However, these fines would not be applicable
48 to a student who violates the bill's provisions. In the case of such a

S293 VITALE, B.SMITH

4

1 student, he or she will be prohibited by the board of education of
2 the district from participation in all extracurricular activities,
3 including interscholastic athletics, and the revocation of any student
4 parking permit that the student may possess. A board of education
5 is required to adopt a policy that establishes the length of the
6 suspension or revocation imposed on a student for an initial or
7 subsequent violation.

8 Under the bill, in the event that the local board of health, or a
9 similar entity, receives a written complaint, or has reason to
10 suspect, that a public school is in violation of the bill's provisions,
11 then the board of health will provide written notification to the
12 board of education and order that appropriate action be taken. The
13 board of education would be subject to a fine in the event that it
14 fails to comply with the order. The fine would be not less than
15 \$250 for the first offense, \$500 for the second offense, and \$1,000
16 for each subsequent offense.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 293

STATE OF NEW JERSEY

DATED: MAY 18, 2017

The Assembly Education Committee reports favorably Senate Bill No. 293.

This bill prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The bill requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school. The penalties for using smokeless tobacco in violation of this bill would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines would not be applicable to a student who violates the bill's provisions. In the case of such a student, he or she will be prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the bill, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the bill's provisions, then the board of health will provide written notification to the board of education and order that appropriate action be taken. The board of education would be subject to a fine in the event that it fails to comply with the order. The fine would be not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

As reported by the committee, this bill is identical to Assembly Bill No. 493, which was also reported by the committee on this same date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 293

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 293, with committee amendments.

As amended, this bill prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The bill requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school. The penalties for using smokeless tobacco in violation of this bill would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines would not be applicable to a student who violates the bill's provisions. In the case of such a student, he or she will be prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the bill, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the bill's provisions, then the board of health will provide written notification to the board of education and order that appropriate action be taken. The board of education would be subject to a fine in the event that it fails to comply with the order. The fine would be not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

As amend and reported, this bill is identical to Assembly Bill No. 493 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amended the bill to delete the provision stipulating that the bill would supersede any other statute, municipal ordinance, and rule or regulation concerning the use of smokeless tobacco in public schools.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that Senate Bill No. 293 of 2016 would lead to a minimal expenditure increase in school districts, and may lead to minimal revenue increases in the General Fund and for municipalities. School districts would likely incur some costs by purchasing the required signage that must be placed at all public entrances of the districts' school buildings. The total cost would depend on the number of entrances at which the signs must be placed and the cost of the individual signs. The OLS notes that the costs of "No Smoking" signs that comply with the provisions of section 7 of P.L.2005, c.383 (C.26:3D-61) vary considerably, as low as approximately \$2.00 per sign to nearly \$20.00 per sign, depending on the size of the sign, the material with which it is made, and the quantity bought.

The State and municipalities may receive increased revenue under the bill in the form of fines paid by individuals or school districts that violate the bill's provisions. However, the OLS anticipates that any such revenue increases would be minimal, as the use of smokeless tobacco is not prevalent. According to data from the Center for Disease Control, less than two percent of New Jersey residents reported using smokeless tobacco either every day or some days. Given that few individuals use smokeless tobacco, there will likely be few cases that would occur in school buildings and be observed by someone in a position to impose the penalty.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 293

STATE OF NEW JERSEY

DATED: MAY 23, 2016

The Senate Education Committee favorably reports Senate Bill No. 293.

This bill prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The bill requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school. The penalties for using smokeless tobacco in violation of this bill would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines would not be applicable to a student who violates the bill's provisions. In the case of such a student, he or she will be prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the bill, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the bill's provisions, then the board of health will provide written notification to the board of education and order that appropriate action be taken. The board of education would be subject to a fine in the event that it fails to comply with the order. The fine would be not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 293

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 26, 2017

SUMMARY

- Synopsis:** Prohibits use of smokeless tobacco in public schools.
- Type of Impact:** Recurring Expenditure Increase for School Districts; Possible Recurring Revenue Increase in State General Fund and for Municipalities
- Agencies Affected:** Department of Health; Local Boards of Health; School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue		Possible Minimal Increase	
Local Cost		Minimal Increase	
Local Revenue		Possible Minimal Increase	

- The Office of Legislative Services (OLS) notes that this bill would lead to a minimal recurring increase in expenditures for school districts and possible, but minimal, recurring increases in revenue in the State General Fund and for municipalities. School districts would incur costs associated with placing the required signage at all public entrances of school buildings stating that the use of smokeless tobacco is prohibited. The State and municipalities may receive an increase in revenue associated with fines imposed on violators. However, given that smokeless tobacco use is not prevalent, the OLS anticipates that any such revenue increase would be minimal.

BILL DESCRIPTION

Senate Bill No. 293 (1R) of 2016 prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The board of education of each school district would ensure the placement of a sign at each public entrance of a public school building indicating that the use of smokeless tobacco is prohibited. The board is required to direct anyone in violation of the bill's provision to comply. The bill imposes a fine on an individual who

continues to use smokeless tobacco after being ordered to comply with the bill's provisions. The fine would be no less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, the fine would not be imposed if the violator is a student. Rather, a student who violates the bill's provisions after being ordered to comply would be prohibited from participating in all extracurricular activities and would have any parking permit that has been issued to the student revoked for a period of time to be determined by the board of education.

In the event that the Department of Health or a local board of health receives a written complaint or has reason to suspect that a public school is in violation of the bill's provisions, the department or board would advise the school district and order that appropriate actions be taken. If the district fails to take action, it would be subject to a fine of no less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

Any penalties recovered by the Commissioner of Health would be paid to the State treasury, and any penalties recovered by a local board of health would be paid to the treasury of the municipality in which the violation occurred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill would lead to a minimal recurring expenditure increase in school districts, and may lead to minimal recurring revenue increases in the State General Fund and for municipalities.

School districts would likely incur some costs by purchasing the required signage that must be placed at all public entrances of the districts' school buildings. The total cost would depend on the number of entrances at which the signs must be placed and the cost of the individual signs. The OLS notes that the costs of "No Smoking" signs that comply with the provisions of section 7 of P.L.2005, c.383 (C.26:3D-61) vary considerably, as low as approximately \$2.00 per sign to nearly \$20.00 per sign, depending on the size of the sign, the material with which it is made, and the quantity bought.

The State and municipalities may receive increased revenue under the bill in the form of fines paid by individuals or school districts that violate the bill's provisions. However, the OLS anticipates that any such revenue increases would be minimal, as the use of smokeless tobacco is not prevalent. According to data from the federal Centers for Disease Control and Prevention, less than two percent of New Jersey residents reported using smokeless tobacco either every day or some days.¹ Given that few individuals use smokeless tobacco, there would likely be few cases that would occur in school buildings and be observed by someone in a position to impose the penalty.

¹ Behavioral Risk Factor Surveillance System Prevalence and Trends Data for 2015.

Section: Education

*Analyst: Allen T. Dupree
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 493

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman DAVID C. RUSSO
District 40 (Bergen, Essex, Morris and Passaic)
Assemblyman SCOTT T. RUMANA
District 40 (Bergen, Essex, Morris and Passaic)
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)
Assemblyman RAJ MUKHERJI
District 33 (Hudson)

Co-Sponsored by:

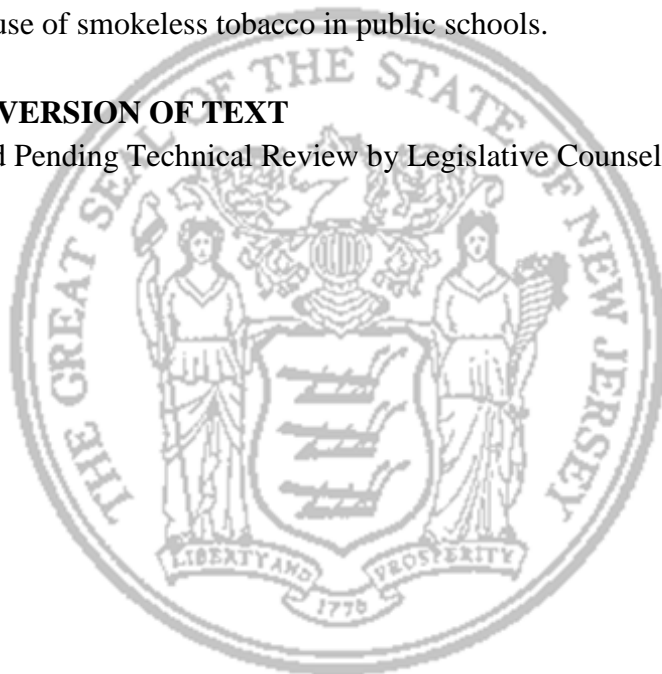
Assemblymen Wimberly, Coughlin, Assemblywomen Jasey and McKnight

SYNOPSIS

Prohibits use of smokeless tobacco in public schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/19/2017)

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:

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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
45 plaintiff is a local board of health, the penalty recovered shall be
46 paid by the local board into the treasury of the municipality where
47 the violation occurred.

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

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

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

25 e. The provisions of this section shall supersede any other
26 statute, municipal ordinance, and rule or regulation adopted
27 pursuant to law concerning the use of smokeless tobacco in public
28 schools.

29
30 2. This act shall take effect on the first day of the third month
31 next following the date of enactment, but the board of education of
32 each school district may take such anticipatory administrative
33 action in advance thereof as shall be necessary for the
34 implementation of this act.

35
36
37 STATEMENT

38
39 This bill prohibits the use of smokeless tobacco in any area of
40 any building of, or on the grounds of, any public school. The
41 bill requires the board of education of each school district to ensure
42 the placement, in every public entrance to a public school building
43 in its district, of a sign indicating that the use of smokeless tobacco
44 is prohibited in the school. The sign would also indicate that
45 violators are subject to a fine. The penalties for using smokeless
46 tobacco in violation of this bill would be a fine of not less than
47 \$250 for the first offense, \$500 for the second offense, and \$1,000
48 for each subsequent offense.

A493 RUSSO, RUMANA

1 Under the bill, in the event that the local board of health, or a
2 similar entity, receives a written complaint, or has reason to
3 suspect, that a public school is in violation of the bill's provision,
4 then the board of health will provide written notification to the
5 board of education and order that appropriate action be taken. The
6 board of education would be subject to a fine in the event that it
7 fails to comply with the order. The fine would be not less than
8 \$250 for the first offense, \$500 for the second offense, and \$1,000
9 for each subsequent offense.

10 A student who uses smokeless tobacco in a public school in
11 violation of the bill's provisions, will not be subject to the fines
12 established under the bill, but rather will be prohibited by the board
13 of education of the district from participation in all extracurricular
14 activities, including interscholastic sports, and the revocation of any
15 student parking permit that the student may possess. The board of
16 education is directed to adopt a policy that establishes the length of
17 the suspension or revocation to be imposed on a student for an
18 initial or subsequent violation

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 493

STATE OF NEW JERSEY

DATED: MAY 18, 2017

The Assembly Education Committee reports favorably Assembly Bill No. 493.

This bill prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The bill requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school. The penalties for using smokeless tobacco in violation of this bill would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines would not be applicable to a student who violates the bill's provisions. In the case of such a student, he or she will be prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the bill, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the bill's provisions, then the board of health will provide written notification to the board of education and order that appropriate action be taken. The board of education would be subject to a fine in the event that it fails to comply with the order. The fine would be not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

As reported by the committee, this bill is identical to Senate Bill No. 293, which was also reported by the committee on this same date.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 493

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 493, with committee amendments.

As amended, this bill prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The bill requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school. The penalties for using smokeless tobacco in violation of this bill would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines would not be applicable to a student who violates the bill's provisions. In the case of such a student, he or she will be prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the bill, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the bill's provisions, then the board of health will provide written notification to the board of education and order that appropriate action be taken. The board of education would be subject to a fine in the event that it fails to comply with the order. The fine would be not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

As amended and reported, this bill is identical to Senate Bill No. 293, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amended the bill to delete the provision stipulating that the bill would supersede any other statute, municipal ordinance, and rule or regulation concerning the use of smokeless tobacco in public schools.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that Assembly Bill No. 493 (1R) of 2016 would lead to a minimal expenditure increase in school districts, and may lead to minimal revenue increases in the General Fund and for municipalities. School districts would likely incur some costs by purchasing the required signage that must be placed at all public entrances of the districts' school buildings. The total cost would depend on the number of entrances at which the signs must be placed and the cost of the individual signs. The OLS notes that the costs of "No Smoking" signs that comply with the provisions of section 7 of P.L.2005, c.383 (C.26:3D-61) vary considerably, as low as approximately \$2.00 per sign to nearly \$20.00 per sign, depending on the size of the sign, the material with which it is made, and the quantity bought.

The State and municipalities may receive increased revenue under the bill in the form of fines paid by individuals or school districts that violate the bill's provisions. However, the OLS anticipates that any such revenue increases would be minimal, as the use of smokeless tobacco is not prevalent. According to data from the Center for Disease Control, less than two percent of New Jersey residents reported using smokeless tobacco either every day or some days. Given that few individuals use smokeless tobacco, there will likely be few cases that would occur in school buildings and be observed by someone in a position to impose the penalty.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 493

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 26, 2017

SUMMARY

- Synopsis:** Prohibits use of smokeless tobacco in public schools.
- Type of Impact:** Recurring Expenditure Increase for School Districts; Possible Recurring Revenue Increase in State General Fund and for Municipalities
- Agencies Affected:** Department of Health; Local Boards of Health; School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue		Possible Minimal Increase	
Local Cost		Minimal Increase	
Local Revenue		Possible Minimal Increase	

- The Office of Legislative Services (OLS) notes that this bill would lead to a minimal recurring increase in expenditures for school districts and possible, but minimal, recurring increases in revenue in the State General Fund and for municipalities. School districts would incur costs associated with placing the required signage at all public entrances of school buildings stating that the use of smokeless tobacco is prohibited. The State and municipalities may receive an increase in revenue associated with fines imposed on violators. However, given that smokeless tobacco use is not prevalent, the OLS anticipates that any such revenue increase would be minimal.

BILL DESCRIPTION

Assembly Bill No. 493 (1R) of 2016 prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school. The board of education of each school district would ensure the placement of a sign at each public entrance of a public school building indicating that the use of smokeless tobacco is prohibited. The board is required to direct anyone in violation of the bill's provision to comply. The bill imposes a fine on an individual who

continues to use smokeless tobacco after being ordered to comply with the bill's provisions. The fine would be no less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, the fine would not be imposed if the violator is a student. Rather, a student who violates the bill's provisions after being ordered to comply would be prohibited from participating in all extracurricular activities and would have any parking permit that has been issued to the student revoked for a period of time to be determined by the board of education.

In the event that the Department of Health or a local board of health receives a written complaint or has reason to suspect that a public school is in violation of the bill's provisions, the department or board would advise the school district and order that appropriate actions be taken. If the district fails to take action, it would be subject to a fine of no less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

Any penalties recovered by the Commissioner of Health would be paid to the State treasury, and any penalties recovered by a local board of health would be paid to the treasury of the municipality in which the violation occurred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill would lead to a minimal recurring expenditure increase in school districts, and may lead to minimal recurring revenue increases in the State General Fund and for municipalities.

School districts would likely incur some costs by purchasing the required signage that must be placed at all public entrances of the districts' school buildings. The total cost would depend on the number of entrances at which the signs must be placed and the cost of the individual signs. The OLS notes that the costs of "No Smoking" signs that comply with the provisions of section 7 of P.L.2005, c.383 (C.26:3D-61) vary considerably, as low as approximately \$2.00 per sign to nearly \$20.00 per sign, depending on the size of the sign, the material with which it is made, and the quantity bought.

The State and municipalities may receive increased revenue under the bill in the form of fines paid by individuals or school districts that violate the bill's provisions. However, the OLS anticipates that any such revenue increases would be minimal, as the use of smokeless tobacco is not prevalent. According to data from the federal Centers for Disease Control and Prevention, less than two percent of New Jersey residents reported using smokeless tobacco either every day or some days.¹ Given that few individuals use smokeless tobacco, there would likely be few cases that would occur in school buildings and be observed by someone in a position to impose the penalty.

¹ Behavioral Risk Factor Surveillance System Prevalence and Trends Data for 2015.

Section: Education

*Analyst: Allen T. Dupree
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).