



§§1,2 -  
C.26:3D-58.1 &  
26:3D-58.2  
§3 - Note to §§1,2

P.L. 2008, CHAPTER 7, *approved April 7, 2008*  
Senate, No. 625 (*First Reprint*)

1 AN ACT concerning smoking on grounds of certain State-owned  
2 facilities and supplementing P.L.2005, c.383 (C.26:3D-55 et  
3 seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. A <sup>1</sup>**[publicly-operated residential facility]** State  
9 psychiatric hospital<sup>1</sup> may prohibit smoking on its grounds, if it  
10 offers a smoking cessation program for both employees, and  
11 residents and patients, as applicable.

12 b. The smoking cessation program shall be developed in  
13 consultation with the Commissioners of Health and Senior Services  
14 and Personnel, and shall be initiated one year prior to prohibiting  
15 smoking on its grounds and continue to be offered as long as  
16 smoking is prohibited. <sup>1</sup>If a smoking cessation program required  
17 pursuant to this section was initiated prior to, and is in effect on, the  
18 effective date of this act, smoking may be prohibited one year from  
19 the date of initiation of the program.<sup>1</sup>

20 c. <sup>1</sup>**[For purposes of this section, “publicly operated residential**  
21 **facility” means a county operated nursing home, State veterans’**  
22 **memorial home, State-operated developmental center, and State or**  
23 **county operated psychiatric hospital]** The Commissioner of Human  
24 Services may, by regulation, prohibit smoking on the grounds of  
25 other Human Services facilities, subject to the requirements of  
26 subsection b. of this section<sup>1</sup>.  
27

28 2. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
29 c.410 (C.52:14B-1 et seq.), the <sup>1</sup>**[Commissioners]** Commissioner<sup>1</sup>  
30 of Human Services <sup>1</sup>**[and Military and Veterans’ Affairs]**<sup>1</sup> shall  
31 adopt rules and regulations to effectuate the purposes of this act.  
32

33 3. This act shall take effect three months after enactment.  
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36  
37 Permits smoking ban on grounds of State psychiatric hospitals  
38 and other Human Services facilities if smoking cessation program  
39 offered.

**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>Senate SHH committee amendments adopted January 24, 2008.

# SENATE, No. 625

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Permits smoking ban on grounds of publicly-operated residential facilities if smoking cessation program offered.

**CURRENT VERSION OF TEXT**

As introduced.



SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 625**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate No. 625.

As amended, this bill supplements the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (N.J.S.A.26:3D-55 et seq.) to permit State psychiatric hospitals to prohibit smoking on their grounds. Smoking indoors in these facilities is already prohibited.

The bill would allow facilities to prohibit smoking on facility grounds if a smoking cessation program is offered to employees and patients, as applicable. These facilities would be required to initiate a smoking-cessation program one year prior to implementing the outdoor smoking ban; however, if a smoking cessation program was initiated prior to, and is in effect on, the effective date of the bill, smoking may be prohibited one year from the date of initiation of the program. The smoking-cessation program would have to be offered as long as the smoking ban is in effect.

In addition, the Commissioner of Human Services may, through regulation, prohibit smoking on the grounds of other Human Services facilities if those facilities comply with the smoking-cessation program requirements of the bill.

Nothing in this bill is intended to prevent private psychiatric hospitals from also prohibiting smoking on their grounds.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The committee amendments:

- provide that if a smoking cessation program was initiated prior to, and is in effect on, the effective date of this act, smoking may be prohibited one year from the date of initiation of the program;
- delete references to publicly operated residential facilities, such as county operated nursing homes, and State veterans’ memorial homes, so that the bill applies just to State psychiatric hospitals; and

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 625**

# **STATE OF NEW JERSEY**

DATED: MARCH 6, 2008

The Assembly Human Services Committee reports favorably Senate Bill No. 625(1R).

This bill supplements the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (N.J.S.A.26:3D-55 et seq.) to permit State psychiatric hospitals to prohibit smoking on their grounds. Smoking indoors in these facilities is already prohibited.

The bill would allow facilities to prohibit smoking on facility grounds if a smoking cessation program is offered to employees and patients, as applicable. These facilities would be required to initiate a smoking-cessation program one year prior to implementing the outdoor smoking ban; however, if a smoking cessation program was initiated prior to, and is in effect on, the effective date of the bill, smoking may be prohibited one year from the date of initiation of the program. The smoking-cessation program would have to be offered as long as the smoking ban is in effect.

In addition, the Commissioner of Human Services may, through regulation, prohibit smoking on the grounds of other Human Services facilities if those facilities comply with the smoking-cessation program requirements of the bill.

Nothing in this bill is intended to prevent private psychiatric hospitals from also prohibiting smoking on their grounds.

This bill is identical to Assembly Bill No. 2308 (Aca) (Vainieri Huttel), which the committee also reported favorably on this date.

# ASSEMBLY, No. 2308

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2008

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**SYNOPSIS**

Permits smoking ban on grounds of certain State facilities if smoking cessation program offered.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/7/2008)**

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2308**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 6, 2008

The Assembly Human Services Committee reports favorably and with committee amendments, Assembly Bill No. 2308.

As amended by the committee, this bill supplements the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (N.J.S.A.26:3D-55 et seq.) to permit State psychiatric hospitals to prohibit smoking on their grounds. Smoking indoors in these facilities is already prohibited.

The bill would allow facilities to prohibit smoking on facility grounds if a smoking cessation program is offered to employees and patients, as applicable. These facilities would be required to initiate a smoking-cessation program one year prior to implementing the outdoor smoking ban; however, if a smoking cessation program was initiated prior to, and is in effect on, the effective date of the bill, smoking may be prohibited one year from the date of initiation of the program. The smoking-cessation program would have to be offered as long as the smoking ban is in effect.

In addition, the Commissioner of Human Services may, through regulation, prohibit smoking on the grounds of other Human Services facilities if those facilities comply with the smoking-cessation program requirements of the bill.

Nothing in this bill is intended to prevent private psychiatric hospitals from also prohibiting smoking on their grounds.

As amended, this bill is identical to Senate Bill No. 625 (1R) (Vitale), which the committee also reported favorably on this date.

#### Committee Amendments:

The committee amended the bill to:

- delete the reference to State developmental centers; and
- add language authorizing the Commissioner of Human Services to promulgate regulations to permit other Human Services facilities to prohibit outdoor smoking on their grounds if they comply with the requirements in the bill to initiate smoking cessation programs.

1 AN ACT concerning smoking on grounds of certain State-owned  
2 facilities and supplementing P.L.2005, c.383 (C.26:3D-55 et  
3 seq.).

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. a. A State psychiatric hospital or a State developmental  
9 center, as applicable, may prohibit smoking on its grounds, if it  
10 offers a smoking cessation program for both employees, and  
11 patients and residents, as applicable.

12 b. The smoking cessation program shall be developed in  
13 consultation with the Commissioners of Health and Senior Services  
14 and Personnel, and shall be initiated one year prior to prohibiting  
15 smoking on its grounds and continue to be offered as long as  
16 smoking is prohibited. If a smoking cessation program required  
17 pursuant to this section was initiated prior to, and is in effect on, the  
18 effective date of this act, smoking may be prohibited one year from  
19 the date of initiation of the program.

20  
21 2. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
22 c.410 (C.52:14B-1 et seq.), the Commissioner of Human Services  
23 shall adopt rules and regulations to effectuate the purposes of this  
24 act.

25  
26 3. This act shall take effect three months after enactment.

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29 STATEMENT

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31 This bill supplements the “New Jersey Smoke-Free Air Act,”  
32 P.L.2005, c.383 (N.J.S.A.26:3D-55 et seq.) to permit State  
33 psychiatric hospitals and State developmental centers to prohibit  
34 smoking on their grounds, as long as a smoking cessation program  
35 is offered to employees, and patients and residents, as applicable.

36 These facilities would be required to initiate a smoking-cessation  
37 program one year prior to implementing the outdoor smoking ban;  
38 however, if a smoking cessation program was initiated prior to, and  
39 is in effect on, the effective date of the bill, smoking may be  
40 prohibited one year from the date of initiation of the program. The  
41 smoking-cessation program would have to be offered as long as the  
42 smoking ban is in effect. Under P.L.2005, c.383, smoking indoors  
43 in these facilities is already prohibited.

44 Nothing in this bill is intended to prevent private psychiatric  
45 hospitals from also prohibiting smoking on their grounds.



- add language authorizing the Commissioner of Human Services to promulgate regulations to permit other Human Services facilities to prohibit outdoor smoking on their grounds if they comply with the requirements in the bill to initiate smoking cessation programs.

1 AN ACT concerning smoking on grounds of certain State-owned  
2 facilities and supplementing P.L.2005, c.383 (C.26:3D-55 et  
3 seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. A publicly-operated residential facility may prohibit  
9 smoking on its grounds, if it offers a smoking cessation program for  
10 both employees, and residents and patients, as applicable.

11 b. The smoking cessation program shall be developed in  
12 consultation with the Commissioners of Health and Senior Services  
13 and Personnel, and shall be initiated one year prior to prohibiting  
14 smoking on its grounds and continue to be offered as long as  
15 smoking is prohibited.

16 c. For purposes of this section, “publicly operated residential  
17 facility” means a county operated nursing home, State veterans’  
18 memorial home, State-operated developmental center, and State or  
19 county operated psychiatric hospital.  
20

21 2. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
22 c.410 (C.52:14B-1 et seq.), the Commissioners of Human Services  
23 and Military and Veterans’ Affairs shall adopt rules and regulations  
24 to effectuate the purposes of this act.  
25

26 3. This act shall take effect three months after enactment.  
27

28  
29 STATEMENT  
30

31 This bill supplements the “New Jersey Smoke-Free Air Act,”  
32 P.L.2005, c.383 (N.J.S.A.26:3D-55 et seq.) to permit publicly-  
33 operated residential facilities to prohibit smoking on their grounds,  
34 as long as a smoking cessation program is offered to employees,  
35 and residents and patients, as applicable. This bill would apply to  
36 county-operated nursing homes, State veterans’ memorial homes,  
37 State-operated developmental centers, and State or county operated  
38 psychiatric hospitals. These facilities would be required to initiate a  
39 smoking-cessation program one year prior to implementing the  
40 outdoor smoking ban, and to continue offering the program while  
41 the smoking ban is in effect. Under P.L.2005, c.383, smoking  
42 indoors in these facilities is already prohibited.

43 Nothing in this bill is intended to prevent private psychiatric  
44 hospitals from also prohibiting smoking on their grounds.

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW