

26:3D-17

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:3D-17 (Smoking--prohibit in all public school buildings)

LAWS OF: 1989 **CHAPTER:** 96

Bill No: A3722

Sponsor(s): Ogden and Colburn

Date Introduced: September 8, 1989

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: February 27, 1989

Senate: April 24, 1989

Date of Approval: June 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

"Senate education panel Oks bill to ban smoking in schools, 3-21-89 Asbury Park Press.

"Senate unanimously approves bill to ban smoking in public schools," 4-25-89 Star Ledger.

"New law bans smoking in NJ Schools," 6-15-89 Asbury Park Press.

"Kean opposes proposed smoking ban in schools," 4-22-89 Trenton Times.

"Smoking ban hits schools, hospitals." 12-15-89 Star Ledger.

[THIRD REPRINT]
ASSEMBLY, No. 3722
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 8, 1988

By Assemblywoman OGDEN and Assemblyman COLBURN

1 AN ACT concerning ¹[the prohibition of]¹ ²the prohibition of²
2 smoking in ¹[public]¹ ²public² school buildings and amending
3 ²[¹and supplementing¹]² P.L.1981, c.320.

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

7 1. Section 3 of P.L.1981, c.320 (C.26:3D-17) is amended to
read as follows:

9 3. ¹[a.]¹ ²a.² The appropriate governing body, board or
individual responsible for or who has control of the administration
11 of a school, college, university, or professional training school,
either public or private, ¹[except the board of education of a
13 school district,]¹ ²except the board of education of a school
district,² shall make and enforce suitable regulations [prohibiting]
15 controlling the smoking of tobacco on their premises, except in
[designated] those areas within the premises wherein smoking is
17 [not] prohibited by municipal ordinance under authority of
R.S.40:48-1 and 40:48-2 or by any other statute or regulation
19 adopted pursuant to law for purposes of protecting life and
property from fire. ²[¹Notwithstanding any law to the contrary,
21 regulations adopted pursuant to this section shall be regarded as
matters of educational and health policy, shall not be considered
23 conditions of employment and may be adopted without the
concurrence of the bargaining unit.]¹² The governing body, board
25 or individual may, but need not, designate certain areas within
the premises as areas in which smoking is permitted. Smoking in
27 classrooms, lecture halls and auditoriums shall be prohibited
except as part of a classroom instruction or a theatrical
29 production.

31 ¹[b. The board of education of each school district shall make
and enforce regulations to prohibit the smoking of tobacco

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:

¹ Assembly AED committee amendments adopted January 23, 1989.

² Assembly floor amendments adopted February 23, 1989.

³ Senate SED committee amendments adopted March 20, 1989.

1 anywhere on their premises except as part of a classroom
2 instruction or a theatrical production.]¹ ²b. The board of
3 education of each school district shall make and enforce
4 regulations to prohibit the smoking of tobacco anywhere in its
5 buildings except as part of a classroom instruction or a theatrical
6 production.²

7 (cf: P.L.1981, c.320, s.3)

8 ²[¹2. (New section) Not later than two years after the
9 effective date of this act, the Commissioner of Education and the
10 Commissioner of Health shall report to the Governor and
11 Legislature on the actions taken by boards of education pursuant
12 to this act and on any new scientific evidence which may be
13 pertinent to a policy decision about smoking in schools. The
14 report shall include the commissioners' recommendations, if any,
15 for modifications in this act.¹]²

16 ¹[².] ²[³.¹] ².² This act shall take effect ³[immediately] six
17 months following enactment³.

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EDUCATION

21

Tobacco and Smoking

23

Prohibits smoking in public school buildings.

ASSEMBLY, No. 3722
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 8, 1988

By Assemblywoman OGDEN and Assemblyman COLBURN

1 AN ACT concerning the prohibition of smoking in public school
buildings and amending P.L.1981, c.320.

3

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

1. Section 3 of P.L.1981, c.320 (C.26:3D-17) is amended to
7 read as follows:

3. a. The appropriate governing body, board or individual
9 responsible for or who has control of the administration of a
school, college, university, or professional training school, either
11 public or private, except the board of education of a school
district, shall make and enforce suitable regulations [prohibiting]
13 controlling the smoking of tobacco on their premises, except in
[designated] those areas within the premises wherein smoking is
15 [not] prohibited by municipal ordinance under authority of
R.S.40:48-1 and 40:48-2 or by any other statute or regulation
17 adopted pursuant to law for purposes of protecting life and
property from fire. The governing body, board or individual may,
19 but need not, designate certain areas within the premises as areas
in which smoking is permitted. Smoking in classrooms, lecture
21 halls and auditoriums shall be prohibited except as part of a
classroom instruction or a theatrical production.

23 b. The board of education of each school district shall make
and enforce regulations to prohibit the smoking of tobacco
25 anywhere on their premises except as part of a classroom
instruction or a theatrical production.

27 (cf: P.L.1981, c.320, s.3)

2. This act shall take effect immediately.

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STATEMENT

31

This bill amends section 3 of P.L.1981, c.320 (C.26:3D-17) to
33 prohibit smoking in any public school building.

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.

1 In addition the bill clarifies the existing law with respect to
2 smoking in all schools and universities other than the schools
3 operated by boards of education. In those other schools and
4 universities smoking is prohibited in classrooms, lecture halls and
5 auditoriums and in other areas where smoking may be prohibited
6 by municipal ordinance or State law. For the remaining areas,
7 the regulations may totally prohibit smoking and establish areas
8 in which smoking will be permitted.

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EDUCATION
Tobacco and Smoking

13

Prohibits smoking in all public school buildings.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3722

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1989

The Assembly Education Committee favorably reports Assembly Bill No. 3722 as amended.

As amended, Assembly Bill No. 3722 empowers the governing body of a school, college, university or professional training school, either public or private, to make and enforce regulations controlling smoking on the premises of the educational institution. The regulations may, but need not, designate certain areas within the premises as areas in which smoking is permitted.

The committee amendments remove a provision of the bill that would have prohibited smoking in any public school building. The amendments also establish that smoking regulations are matters of health and educational policy, shall not be considered conditions of employment and may be adopted without the concurrence of the bargaining unit.

The committee amendments also provide that within two years of the effective date of this act, the Commissioner of Education and the Commissioner of Health shall report to the Governor and Legislature on the actions taken by boards of education pursuant to this act and on any new scientific evidence which may be pertinent to a policy decision about smoking in schools. The report shall include the commissioners' recommendations, if any, for modifications in the law.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 3722

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 1989

The Senate Education Committee favorably reports this bill with committee amendments.

This bill empowers the governing body of a school, other than a public school, and a college, university or professional training school, either public or private, to make and enforce regulations controlling smoking on the premises of the educational institution. The regulations may, but need not, designate certain areas within the premises as areas in which smoking is permitted.

This bill also requires that the board of education of each school district shall make and enforce regulations to prohibit the smoking of tobacco anywhere in its buildings except as part of a classroom instruction or a theatrical production.

The committee amended the bill to provide that the act will take effect six months after enactment in order to give boards of education sufficient time to make preparations for the smoking prohibition.

This bill is identical to Senate Bill No. 3334 with Senate Education Committee amendments.