

New Jersey Herald

Local Assembly members against smoking ban bill

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The state Assembly passed a bill last week that would prohibit smoking at public parks and beaches statewide, but 24th District Assembly members Alison Littell McHose and Parker Space voted no on the bill, citing infringements on personal liberty.

Assembly Bill No. 1080, which was passed on Thursday, extends the provisions of the New Jersey Smoke-Free Air Act, which was passed in 2006 and originally prohibited smoking in indoor public places and workplaces. In 2010, an amendment was passed, banning the use of electronic smoking devices in indoor public places and workplaces, and the sale of tobacco products to people 19 years and younger.

Under the newly passed bill, which awaits state Senate action, smoking bans would expand to any state park or forest, county or municipal park, or state or municipal beach. However, it would not apply to adjacent parking lots that are outside the public park or beach.

The bill passed the Assembly in a 64-7 vote with four abstentions.

An identical bill was introduced in the state Senate on March 17, and referred to the Health, Human Services and Senior Citizens Committee. Sen. Steve Oroho, R-24th Dist., said on Saturday that he has not yet studied the bill, and therefore is not sure how he will vote.

A statement from McHose and Space, both Republicans, read: "We constantly heard the talk from the Democrat legislative majority that property taxes and job creation were the most important two issues, yet here we are once again moving legislation which have nothing to do with these issues. Instead of that, they continue to want to infringe on people's freedom with over-reaching government authority. This will be difficult to enforce. In addition to our philosophical opposition to legislation like A-1080 and one size fits all fixes to so-called "social ills," this bill will also prohibit the usage of e-cigarettes in these public outdoor locations."

In Sussex County, 10 of the 24 municipalities currently enforce smoking bans in park and recreation areas, including Andover Borough, Andover Township, Branchville, Byram, Fredon, Hopatcong, Newton, Sparta, Stanhope, according to the Global Advisors on Smokefree Policy, a non-profit organization that promotes smoke-free air and tobacco-free lives.

Sparta Mayor Molly Whilesmith supports the Assembly bill and said, "The vast majority of residents would prefer not to be inhaling others' smoke."

In 2012, Sparta passed an ordinance forbidding tobacco use or tobacco-related products on township property.

Cleaning up tobacco-related products from the ground takes taxpayer funds and time, she said.

Sussex County Community College also prohibits smoking or use of tobacco products on its grounds.

In 2010, the county adopted a policy that made all county-owned property smoke- and tobacco-free.

"It's in policy form so it's really only enforced to the workforce" of the county, said John Eskilson, the county administrator.

Branchville joined the ranks of municipalities in the county to ban smoking on municipal-owned property when it passed an ordinance in early March.

Branchville Mayor Tony Frato said the measure is "to promote safety and health."

"Enforcing some of this stuff is tough because not everyone is around 100 percent of the time," said Frato, who said when the weather warms up the municipality will put up "No Smoking" signs in the designated areas. Designated areas include public parks, playgrounds, ball fields, any property publicly owned or leased by the borough and any property owned or leased by the borough that the public is invited or upon which the public is permitted. This includes, but is not limited to, any parking area, driveway or drive aisle adjacent to any of the public facilities.

"If we can stop one person from smoking," he said, "it's a plus."

Under the Assembly's bill, potential offenders will incur a fine of no less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

The bill defines "smoking" as the burning, inhaling or exhaling smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

<http://www.njherald.com/story/25048215/2014/03/22/local-assembly-members-against-smoking-ban-bill>