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Get Your Butt Off the Beach: Seaside Smoking Ban Awaits Christie

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Lawmakers in New Jersey, with some of the toughest anti-smoking laws in the U.S., are seeking more restrictions with the first statewide ban at beaches and parks and the nation's highest minimum age, 21, to buy tobacco.

The proposals come as Republican Governor Chris Christie, a 51-year-old Republican considering a 2016 presidential run, courts social conservatives and other party members wary of government intrusion on individual liberty, from gun rights to health care. At his second inaugural in January, he said policy shouldn't align with "the power of almighty government to fix any problem, real or imagined."

The bills' supporters say they would promote public health, reduce litter and cut the risk of fire caused by cast-off butts. Christie hasn't said whether he's in favor. The beach-and-parks legislation will "go through its usual course of review in the governor's office," a Christie spokesman, **Michael Drewniak**, said in an e-mail.

The recreation-area proposal, approved June 26 by the Democratic-led Assembly and Senate, builds on a 2006 law that prohibits smoking in enclosed public spaces and workplaces, including restaurants and bars. Those who want to light up would be herded to smoking areas designated by local ordinance.

"It's a big government overreach," said Senator Kevin O'Toole, a 50-year-old Republican from Cedar Grove who voted no on both measures. "If you're going to make smoking the evil of the 21st century or you want to ban it altogether, just ban it. You can't treat people like pariahs. It's a legal activity and people have a right to do it."

NYC Rule

The minimum age to purchase tobacco products is 18 in all but four U.S. states. It's 19 in New Jersey, **Alabama**, **Alaska** and **Utah**. New Jersey legislation to raise it to 21 passed the Senate and must be approved in the Assembly before it reaches Christie.

Some localities in the U.S. have imposed higher minimum ages. New York City raised its legal age to 21 in May, and the rule took effect on July 1 on the Big Island of **Hawaii**. Lawmakers in Colorado and Utah this year rejected statewide proposals to make the minimum age 21.

Almost half of New Jersey's 565 municipalities, including Montclair, Hoboken, Jersey City and Paterson, have ordinances limiting smoking outdoors, according to Global Advisors on Smokefree Policy, a Summit-based anti-tobacco group.

"It's something the public and policy makers want," Karen Blumenfeld, the group's executive director, said by telephone on July 1. "To provide a tobacco-free environment helps kids not to smoke."

Smaller Government

Christie has traveled nationally since his second term began in January to bolster his credentials among Republicans who support smaller government and lower taxes. Such values are espoused by the party's Tea Party faction, which swept into Congress in 2010 and turned out U.S. House of Representatives Majority Leader Eric Cantor last month in **Virginia**'s Republican primary.

"We need to talk about the fact that we are for a free-market society that allows your effort and ingenuity to determine your success, not the cold, hard hand of the government," Christie said at the Conservative Political Action Conference in March.

Beach Towns

Along New Jersey's 127-mile (204-kilometer) Atlantic coastline, Spring Lake and Seaside Park are among towns that prohibit smoking on the beach. In May, Belmar expanded its ban to year-round and eliminated a designated area because users continued to leave butts in the sand and the smoke bothered sunbathers beyond the zone, said Mayor Matt Doherty, a 40-year-old Democrat.

Doherty said he supports a statewide restriction, even though it would do away with what he called his town's tourism advantage as a smoke-free zone.

“We’re just trying to have a healthier, cleaner beach,” he said by telephone on July 2.

New York City in 2011 outlawed smoking in its parks, beaches and pedestrian plazas. A New York Supreme Court justice in October struck down a similar rule in state parks, finding that the rule’s creator, a government agency, had overstepped its authority.

New Jersey state Senator Michael Doherty, a Republican from Washington Township, Warren County, said that even though he “despises” smoking, the latest attempts to limit it smack of big government.

“Isn’t it the American way to light up a cigarette if you want?” Doherty, 51, who isn’t related to the Belmar mayor, said by telephone on July 2. “Say you’re walking on the beach at 6 in the morning. You’re alone with your dog. You’re telling me cops can swoop in and give you a \$250 penalty? It’s absurd.”

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