

## **NJ Star-Ledger**

### **Slow burn: Smokers likely to see rights extinguished on all Jersey beaches**

**By MaryAnn Spoto/ FOR INSIDE JERSEY**

on July 22, 2014 at 7:00 AM, updated July 22, 2014 at 7:16 AM

Attention, smokers. If you're planning on lighting up on the beach in Belmar, think again.

The popular Monmouth County beach, which used to allow smoking in designated areas only, now has an outright prohibition on puffing cigars or cigarettes anywhere on the beachfront.

And that could be the harbinger of things to come for nearly all New Jersey beaches.

If a bill passed by the state Legislature gets Gov. Chris Christie's approval, smokers will not be allowed to light up on nearly any municipal, county or state beach in New Jersey by next summer, making New Jersey the first state to impose such a far-reaching ban.

"It resonates that New Jersey continues to be a leader when it comes to tobacco control policy and initiatives that protect children," says Karen Blumenfeld, executive director of New Jersey GASP (Global Advisors on Smokefree Policy). "This would be another step that would continue to keep New Jersey in the forefront on emerging issues of tobacco control."

With 236 of the state's 565 towns enacting some sort of outdoor smoking ban, New Jersey ranks second only to California in the number of local ordinances that restrict smoking in public areas, Blumenfeld says.

The proposed beach ban, which would also apply to all state parks, is

designed as an expansion of the 2005 New Jersey Smoke-Free Air Act, which prohibits smoking in indoor public spaces and workplaces. Advocates say the ban will help deglamorize smoking in the eyes of youngsters, improve the health of those exposed to secondhand smoke, and reduce littering and water pollution.

But it's also viewed as an unwarranted infringement on the rights of private citizens who say they've been unfairly demonized. Smokers' rights proponents say the health effects of secondhand smoke have been greatly exaggerated and that bans have hurt businesses such as restaurants and bars.

"It went too far when they banned smoking in restaurants and bars. We're beyond too far. We're into lunacy," says Audrey Silk, founder of the New York City-based Smokers Against Smoker Harassment (CLASH). "None of this has anything to do with the protection of others. The whole secondhand smoke argument was created as a tool to manage smokers — not smoke."

The proposed bill doesn't mean all beaches would be off-limits to smokers. Because New Jersey's beaches are a hodge-podge of federal, private, public and quasi-public ownership, the proposed ban wouldn't make smoking extinct everywhere along the state's 127 miles of coastline.

Toby Wolf, spokeswoman for Jenkinson's Beach in Point Pleasant Beach, says the ban wouldn't apply there because it's privately owned. But it has made the owners consider some restrictions on smoking, she says.

"We haven't made any decisions on what we're going to do," she says. "We are considering more smoke-free areas for our customers."

Assemblywoman Valerie Vainieri Huttle, a primary sponsor of the bill (A1080) that passed in March, says she's prepared to counter arguments that a smoking ban would hurt tourism at the Jersey Shore.

“The prohibition of smoking at public parks and beaches would better preserve the natural assets of this state by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand tobacco smoke among the public,” says Huttle, a Democrat from Bergen County.



In Belmar, signs indicate the borough has banned smoking on its beach and boardwalk, and a receptacle for cigarette butts is provided. A bill passed by the state Legislature could ban smoking on any municipal, county or state beach, if approved by Gov. Chris Christie.

*Andrew Mills*

Belmar Mayor Matthew Doherty says the borough council also doesn't believe the local ban will decrease beach attendance or hurt businesses on the boardwalk, which also has the ban.

“I'm all for it,” Doherty says. “People are so used to it already ... so it's kind of overdue.”

In Belmar, 19-year-old Bryana Smith, of Allentown, a nonsmoker, was surprised to hear there was a smoking ban. She had just come from a pizza spot on the boardwalk where a group of people was smoking, she said. “Everyone's smoking up and down the beach,” she says, adding she had been sitting next to smokers on the beach too.

Her friend, Allison Fennel, 20, of New Egypt, another nonsmoker, says she likes the idea of not having to push cigarette butts away when she puts her towel down in the sand. “It's better if there's no cigarette butts in the sand,” she says. “Last year, that's all you would find.”

But Art Burns, a smoker who's used electronic cigarettes on and off for the past eight months, says he doesn't like the idea of taxing the new form of nicotine delivery and he thinks government should stay out of his personal business.

"If the cigarette butts are a problem, put some ash trays out," the 64-year-old Jackson resident says. "It's like the government's seat belt law — yeah, you're protecting me from myself. I got it."

Eighty-five percent of New Jerseyans don't smoke, according to Blumenfeld. And nationally, of the 15 percent of the population that does smoke, nearly three-quarters of them say they want to quit, she notes.

To Huttel, those statistics buoy her position. "Overwhelmingly, this bill serves the majority of the people," she says.

Assemblyman Michael Patrick Carroll, a Republican from Morris County who flinches at government infringement on personal space, was one of seven who voted against the measure on March 20. To this nonsmoker, who wrinkles his nose at the smell of cigarette smoke, there was not much to like about the bill.

Carroll says he has many of the objections to smoking that others do, but he sees this as an "unnecessary intrusion in people's lives," and an issue that "the state should stay out of."

Even if the Senate approves its version by the end of this month, as anticipated, and Christie signs it, there's no chance that the smoking ban will hit the Shore this beach season — it takes six months for the law to take effect.

[http://www.nj.com/inside-jersey/index.ssf/2014/07/slow\\_burn\\_smokers\\_likely\\_to\\_see\\_rights\\_extinguished\\_on\\_all\\_jersey\\_beaches.html](http://www.nj.com/inside-jersey/index.ssf/2014/07/slow_burn_smokers_likely_to_see_rights_extinguished_on_all_jersey_beaches.html)