

SENATE, No. 1561

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

SYNOPSIS

Establishes increased penalties for smoking cannabis or marijuana on public beaches.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/2024)

1 **AN ACT** concerning penalties for smoking cannabis or marijuana on
2 public beaches and amending P.L.2005, c.383.

3

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

6

7 1. Section 8 of P.L.2005, c.383 (C.26:3D-62) is amended to
8 read as follows:

9 8. a. The person having control of an indoor public place or
10 workplace shall order any person smoking in violation of this act to
11 comply with the provisions of this act. **[A person,]** Except as
12 provided in subsection f. of this section, a person, after being so
13 ordered, who smokes in violation of this act is subject to a fine of
14 not less than \$250 for the first offense, \$500 for the second offense
15 and \$1,000 for each subsequent offense. A penalty shall be
16 recovered in accordance with the provisions of subsections c. and d.
17 of this section.

18 b. The Department of Health or the local board of health or the
19 board, body, or officers exercising the functions of the local board
20 of health according to law, upon written complaint or having reason
21 to suspect that an indoor public place or workplace covered by the
22 provisions of this act is or may be in violation of the provisions of
23 this act, shall, by written notification, advise the person having
24 control of the place accordingly, and order appropriate action to be
25 taken. A person receiving that notice who fails or refuses to comply
26 with the order is subject to a fine of not less than \$250 for the first
27 offense, \$500 for the second offense, and \$1,000 for each
28 subsequent offense. In addition to the penalty provided herein, the
29 court may order immediate compliance with the provisions of this
30 act.

31 c. A penalty recovered under the provisions of this act shall be
32 recovered by and in the name of the Commissioner of Health or by
33 and in the name of the local board of health. When the plaintiff is
34 the Commissioner of Health, the penalty recovered shall be paid by
35 the commissioner into the treasury of the State. When the plaintiff
36 is a local board of health, the penalty recovered shall be paid by the
37 local board into the treasury of the municipality where the violation
38 occurred.

39 d. The Superior Court or a municipal court shall have
40 jurisdiction over proceedings to enforce and collect any penalty
41 imposed because of a violation of this act if the violation has
42 occurred within the territorial jurisdiction of the court, except that
43 the Superior Court shall have exclusive jurisdiction over violations
44 that occur in an indoor public place or public park or beach that
45 may be issued against a State or local government entity pursuant to

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 subsection b. of this section. The proceedings shall be summary and
 2 in accordance with the "Penalty Enforcement Law of 1999,"
 3 P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be in the nature
 4 of a summons and shall issue only at the suit of the Commissioner
 5 of Health, or the local board of health, as the case may be, as
 6 plaintiff.

7 e. The penalties provided in subsections a. and b. of this
 8 section shall be the only civil remedy for a violation of this act, and
 9 there shall be no private right of action against a party for failure to
 10 comply with the provisions of this act.

11 f. A penalty may be imposed and recovered for a violation at a
 12 public park or beach and, if so imposed and recovered, it shall be
 13 done in accordance with the provisions of this section, and shall
 14 involve the person having control of a public park or beach, the
 15 Department of Health or the local board of health or the board,
 16 body, or officers exercising the functions of the local board of
 17 health according to law, and the courts, as provided in this section,
 18 except that:

19 (1) a person who smokes a cannabis item or marijuana at a
 20 public beach in violation of this section is subject to a fine of not
 21 less than \$500 for the first offense, \$1,000 for the second offense,
 22 and \$1,500 for each subsequent offense, to be recovered in
 23 accordance with the provisions of subsections c. and d. of this
 24 section; and

25 (2) any penalty recovered for a violation at a public park or
 26 beach that is recovered by and in the name of the Commissioner of
 27 Health or by and in the name of the local board of health shall be
 28 paid 50 percent to the Treasury of the State and be dedicated to
 29 smoking cessation programs administered by the State Department
 30 of Health, and 50 percent shall be paid to the treasury of the
 31 municipality where the violation occurred.

32 (cf: P.L.2018, c.64, s.6)

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34 2. This act shall take effect immediately.

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37 STATEMENT

38

39 The New Jersey Smoke Free Air Act prohibits the smoking of
 40 cannabis and marijuana, as well as cigarettes, on a public beach.
 41 Penalties for smoking in violation of this act are \$250 for the first
 42 offense, \$500 for the second offense, and \$1,000 for subsequent
 43 offenses.

44 This bill increases the penalties for smoking cannabis or
 45 marijuana on a public beach to \$500 for the first offense, \$1,000 for
 46 the second offense, and \$1,500 for the third and subsequent
 47 offenses. The penalties for smoking cigarettes on a public beach
 48 would remain unchanged.

1 Beach towns in New Jersey have experienced difficulty in
2 enforcing the Smoke Free Air Act in light of the legalization of
3 recreational cannabis and the decriminalization of recreational
4 marijuana in New Jersey. It is the sponsor's view that these
5 increased penalties will help deter the smoking of cannabis and
6 marijuana on public beaches in this State.