

## States that Ban Smoking in State Parks

By: Janet Kaminski Leduc, Senior Legislative Attorney

February 24, 2017 | 2017-R-0067

### Issue

Do any states ban smoking in state parks?

### Summary

Maine and Oregon appear to be the only states that explicitly ban smoking in certain areas of state parks. Maine does so through state statute and Oregon does so through regulations. The New Jersey Legislature passed a bill in 2016 to ban smoking in state parks, but the governor has vetoed it.

#### *Connecticut Smoking Ban*

*Connecticut does not prohibit smoking outdoors in state parks. However, the state's general smoking prohibitions apply. Namely, with limited exceptions, no one may smoke in any state or municipal government building (e.g., offices and bathhouses) ([CGS § 19a-342](#)).*

### Maine

By law, people may not smoke tobacco or any other substance in, on, or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place, or restroom in a state park or state historic site ([Me. Rev. Stat. Ann. tit. 22, § 1580-E](#)).

The law does not specify a penalty for a violation. However, the Maine Center for Disease Control and Prevention must erect signs and undertake public education initiatives about the smoking prohibition. According to the Maine Department of Agriculture, Conservation, and Forestry's Bureau of Parks and Land, park rangers seek enforcement of the smoking ban through education.

## Oregon

Oregon regulations prohibit smoking tobacco products on state park property, with limited exceptions. People may smoke in (1) vehicles and personal camping units; (2) designated campsites in overnight camping areas; (3) day use areas managed as safety rest areas; and (4) areas allowed by a park manager for members of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other cultural heritage practices ([Or. Admin. R. 736-010-0040\(8\)\(j\)](#)). A violation of the smoking prohibition is a Class D violation, the maximum fine for which is \$250 ([Or. Admin. R. 736-010-0022](#) and [Or. Rev. Stat. § 153.018](#)).

According to the Oregon Parks and Recreation Department, the park rules do not apply to beaches. There are separate regulations applicable to ocean shore areas, but they do not have a smoking restriction ([Or. Admin. R. 736-021](#)).

## New Jersey

Both chambers of the New Jersey Legislature passed [Assembly Bill 893](#) in June 2016. The bill would prohibit smoking at state and local public parks and beaches. The prohibition would not apply to golf courses or to an area of a municipal or county beach, not to exceed 15% of the total beach area, designated as a smoking area. A violator would be subject to a fine of at least \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

Governor Christie issued a conditional veto of the bill on July 21, 2016. In his veto message, he indicated that “the State should not impose its will upon our local governments, and instead continue to leave it up to towns and counties whether to ban smoking in their parks and beaches.” He further said he would endorse a measure that bans smoking at state-run parks and beaches.

According to New Jersey’s Legislative Services librarian, the legislature has until January 2018 to resurrect the bill, either using the same or a different bill number.

JKL:cym