

2015 -- H 5627

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- PUBLIC BEACH SMOKING POLLUTION
CONTROL ACT

Introduced By: Representatives Carson, McNamara, Coughlin, Bennett, and Solomon

Date Introduced: February 25, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 20.13

4 PUBLIC BEACH SMOKING POLLUTION CONTROL ACT

5 **23-20.13-1. Legislative findings and intent.** – (a) The use of tobacco for smoking
6 purposes is being found to be increasingly dangerous, not only to the person smoking but also to
7 the nonsmoking person who is required to breathe the contaminated air. A pervasive intrusion of
8 the nonsmoker's right to unpolluted air space is the uncontrolled smoking on state beaches.

9 (b) The state of Rhode Island is committed to keeping its state beaches clean, safe,
10 healthy, and pleasant for everyone.

11 (1) Smoking is hazardous to health and numerous studies have shown that secondhand
12 smoke is a significant public health hazard.

13 (2) Smoking in public places, including beaches, endangers children and others by
14 exposing them to secondhand smoke.

15 (3) The United States Environmental Protection Agency has classified secondhand smoke
16 as a group A carcinogen, the most dangerous class of carcinogen.

17 (4) The United States Centers for Disease Control and Prevention (CDC) has found that
18 secondhand smoke causes children to suffer from lower respiratory tract illnesses, such as

1 bronchitis and pneumonia, exacerbates childhood asthma, and increases the risk of chronic
2 middle ear infection in children.

3 (5) Discarding cigarettes butts, cigar butts, and tobacco waste on beach sand is unsightly,
4 unclean, and particularly hazardous to small children who handle and sometimes ingest them.

5 (6) Cigarette butts are the top pollutant on beaches and, if uncollected, may wash directly
6 into ocean waters to the detriment of marine life and all ocean users.

7 (7) Cigarette butts do not biodegrade and they contain two hundred (200) known poisons,
8 sixty-three (63) of which are shown to cause cancer.

9 (8) Prohibiting smoking and the improper disposal of tobacco products on beaches under
10 the jurisdiction of the department of environmental management is necessary to protect the public
11 health, safety, and welfare of all residents and visitors. The legislature intends, by the enactment
12 of this chapter, to protect the health and atmospheric environment of the nonsmoker by regulating
13 smoking on public beaches.

14 **23-20.13-2. Definitions.** – As used in this chapter:

15 (1) "Smoking" or "to smoke" or "smoke" means and includes the inhaling, exhaling,
16 burning; or

17 (2) Carrying of any lighted smoking equipment or paraphernalia.

18 **23-20.13-3. Smoking prohibited on public beaches.** – Notwithstanding the provisions
19 of chapter 20.6 of title 23:

20 (a) No person shall smoke a cigarette, cigar, or other tobacco-related product on, or
21 within twenty feet (20 ft.) of any beach under the jurisdiction of the department of environmental
22 management.

23 (b) No person shall dispose of cigarette butts, cigar butts, or any tobacco-related waste
24 on, or within twenty feet (20 ft.) of any beach under the jurisdiction of the department of
25 environmental management.

26 (c) Every person convicted of a violation of subsection (a) or (b) of this section shall be
27 guilty of a misdemeanor and subject to a mandatory fine of not less than one hundred fifty dollars
28 (\$150) nor more than one thousand dollars (\$1,000) upon a first conviction; by a mandatory fine
29 of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a
30 second conviction; and by a mandatory fine of not less than seven hundred fifty dollars (\$750)
31 nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction.

32 (d) The court may, in addition to the fine imposed upon a conviction, require as a
33 condition of probation, in addition to any other condition of probation, that any person convicted
34 of a violation of subsection (b) of this section, pick up litter on, or within twenty feet (20 ft.) of

1 any beach under the jurisdiction of the department of environmental management for not less than
2 eight (8) hours.

3 (e) Any person convicted for a violation of this section may, upon a showing that
4 payment of the total fine would pose a hardship on the defendant or his or her family, be
5 sentenced to perform public community restitution on any beach within the jurisdiction of the
6 department of environmental management in lieu of the total fine that would otherwise be
7 imposed.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- PUBLIC BEACH SMOKING POLLUTION
CONTROL ACT

- 1 This act would prohibit smoking on public beaches in the state of Rhode Island.
- 2 This act would take effect upon passage.

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