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## **Englewood Board of Health backs smoke-free policy**

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ENGLEWOOD - The city may soon become the next Bergen County municipality to create new restrictions against smoking.

The Board of Health approved two resolutions related to smoking during its April 9 meeting. The resolutions now head to the Mayor and Council for final say.

The first resolution supported raising the minimum age from 19 to 21 for the purchase of tobacco or tobacco-related products from any vendor in the city.

The second resolution would make all outdoor municipal public parks and recreation areas 100-percent smoke free, and encourages that the city participate in the free signage program to allow for self-enforcement. Under these regulations, the use of electronic cigarettes would also be prohibited.

Specific penalties and fines violators would face were not stated in either policy.

The seven-member Board of Health, which was missing one trustee, voted unanimously to adopt the first resolution. The second resolution passed 4-1-1, with board President JoEllen Bostick opposing the motion, and Earl Marsan abstaining.

"I cannot support an ordinance that does not have a specific penalty," Bostick said. "Since I can't determine it, I don't know what the future may hold for the people who violate this ordinance."

Currently, under the New Jersey Smoke-Free Air Act an offender would have to pay \$250 or spend 30 days in jail for the offense. In addition, because it's considered a petty disorderly offense, the violator could have the mark on his or her record for five years, and would be considered by the state as a "petty disorderly person."

"There is definitely an anomaly in the New Jersey state 'No Smoking' law," said Board Attorney Richard Lustgarten.

The Smoke-Free Air Act also states that its provisions shall supersede any other statute, municipal ordinance and rule or regulation that is adopted.

"It's up to the city council and the state, so it's not my place to support this, but I do believe that a more specific ordinance must be in place," Bostick said.

Before voting to approve the resolutions, Kenneth Prager, a pulmonologist, professor of clinical medicine and director of Clinical Ethics at Columbia University Medical Center,

discussed how to balance public health against individual liberties.

"I believe that any time that the public health community attempts to limit the rights of people, it has to be based on the knowledge of the facts," Prager said. "When the facts exist, and I do something that is dangerous to you, I shouldn't be allowed to do it."

Prager told the board he supported the resolution to raise the age to purchase tobacco products because it did not infringe on the public or peoples rights. In regards to the second resolution, he did not view smoking in public parks and recreation areas as a public health hazard, and discussed how it could violate a person's individual rights.

"In the normal course of events, if someone is 20 feet away, and I'm over here smoking, I simply can't conceive it as a public health hazard," Prager said. "We have to be honest and have our integrity, and be sure to do it for the right reasons."

Prager agreed that second-hand smoke within 5 feet or less of a person can be indeed harmful to others, but he reiterated that society must balance public health with individual liberties.

"We live in a free society where people can do things that you and I deem inappropriate or crazy," Prager said. "Where do we draw the line between the power of the state to protect public health, and the right of people to make lifestyle choices?"

Speaking to the board, Prager described American society as one that places a very high value on individual rights.

"If I were a cigarette smoker, and it was a lovely day, I would like to be able to go out to the park, sit under a tree, a 100 feet away from everybody, light up, and smoke my cigarette," Prager said. "Should we deprive me of my right?"

Prager also believes that because there is legislation that prohibits smoking in so many places around New Jersey, it's almost become a normative act rather than something that is thoroughly thought out.

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There are at least 155 municipalities in New Jersey that have established a form of a smoke-free policy for their recreational facilities, with 25 of those being in Bergen County.

"I'm not here to defend smoking, because being a pulmonologist, I know better than anybody how awful smoking really is," he told the board. "But I feel it's a stretch to consider, that by enacting this legislation, we will be protecting the health of our citizens and young people."

Rather than conceive it as a public health hazard, Prager said he believed the true problems with smoking in public parks and recreation areas were the issues of sanitation, and children who are visibly watching people smoke.

He told the board that the issue of children who view smoking as something that is acceptable

should be used as the main reason to make public areas smoke free.

"I feel that the less our kids see people smoking, the more likely they are to not light up," Prager said. "We should do anything it takes to stop children from believing it's socially acceptable to smoke."

The American Lung Association reports that every day, almost 3,900 children under 18 years of age will try their first cigarette, and more than 950 of them will become new, regular daily smokers. They also state that half of these young users will ultimately die from their habit.

The Englewood City Council will meet on April 29 and will vote to adopt the two ordinances at a city level.

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<http://www.northjersey.com/news/health-board-backs-smoke-free-policy-1.917641?page=1>