S T A T E O F N E W Y O R K

6854--B

Cal. No. 816

I N S E N A T E

March 29, 2012

Introduced by Sens. RIVERA, ADAMS, HASSELL-THOMPSON, KRUEGER, OPPENHEIMER, PARKER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law and the education law, in relation to prohibiting smoking within 100 feet of the entrances or exits of any public or private educational institutions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1399-o of the public health law is amended by adding a new subdivision 3 to read as follows:

3. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOLS; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO SMOKING IN A RESIDENCE, OR WITHIN THE REAL PROPERTY BOUNDARY LINES OF SUCH RESIDENTIAL REAL PROPERTY. THE PROVISIONS OF SECTION THIRTEEN HUNDRED NINETY-NINE-P OF THIS ARTICLE SHALL NOT APPLY TO THIS SUBDIVISION.

S 2. Subdivision 2 of section 409 of the education law, as amended by chapter 13 of the laws of 2003, is amended to read as follows:

2. Notwithstanding the provisions of any other law, rule or regulation, tobacco use shall not be permitted and no person shall use tobacco on school grounds. "School grounds" means any building, structure and surrounding outdoor grounds, INCLUDING ENTRANCES OR EXITS, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office.

S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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