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

1837

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ, GOTTFRIED, MAYERSOHN, JAFFEE, GALEF -- Multi-Sponsored by -- M. of A. LIFTON, McENENY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting smoking on public beaches and in public parks

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

Section 1. The public health law is amended by adding a new section 1399-o-1 to read as follows:

S 1399-O-1. SMOKING RESTRICTIONS; CERTAIN OUTDOOR AREAS. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE ON ANY PUBLIC BEACHES OR GOLF COURSES OR IN ANY PUBLIC PARK IN THIS STATE; PROVIDED, HOWEVER, THAT THE GOVERNING BODY OF A MUNICIPALITY OR POLITICAL SUBDIVISION WHICH OPERATES OR MAINTAINS A PUBLIC PARK, BEACH OR GOLF COURSE, OR THE STATE AGENCY OR OTHER ENTITY WHICH OPERATES OR MAINTAINS A STATE PARK, BEACH OR GOLF COURSE, MAY DESIGNATE AREAS WITHIN SUCH PUBLIC PARK, BEACH OR GOLF COURSE, IN WHICH SMOKING SHALL BE PERMITTED. WHERE SMOKING AREAS ARE SO DESIGNATED THE LOCAL GOVERNING BODY OR STATE AGENCY OR ENTITY SHALL PROVIDE ASHTRAYS IN SUCH AREAS AND POST SIGNS DIRECTING INDIVIDUALS TO PROPERLY DISPOSE OF CIGARETTES. FOR PURPOSES OF THIS SECTION THE TERM PUBLIC PARK SHALL NOT INCLUDE THE ADIRONDACK PARK OR THE CATSKILL PARK AS THOSE TERMS ARE DEFINED IN SECTION 9-0101 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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