

3242

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sens. FLANAGAN, FUSCHILLO, MORAHAN -- read twice and
ordered printed, and when printed to be committed to the Committee on
Health

AN ACT to amend the public health law, in relation to prohibiting smok-
ing at playgrounds

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

1 Section 1. The public health law is amended by adding a new section
2 1399-o-1 to read as follows:
3 S 1399-O-1. SMOKING RESTRICTIONS; CERTAIN OUTDOOR AREAS. SMOKING
4 SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN FIFTY FEET OF
5 ANY PLAYGROUND. FOR THE PURPOSES OF THIS SECTION, THE TERM "PLAYGROUND"
6 MEANS AN IMPROVED AREA DESIGNED, EQUIPPED, AND SET ASIDE FOR PLAY OF SIX
7 OR MORE CHILDREN WHICH IS NOT INTENDED FOR USE AS AN ATHLETIC PLAYING
8 FIELD OR ATHLETIC COURT, AND SHALL INCLUDE ANY PLAY EQUIPMENT, SURFAC-
9 ING, FENCING, SIGNS, INTERNAL PATHWAYS, INTERNAL LAND FORMS, VEGETATION,
10 AND RELATED STRUCTURES. PLAYGROUNDS OR PLAYGROUND EQUIPMENT CONSTRUCTED
11 UPON ONE, TWO AND THREE-FAMILY RESIDENTIAL REAL PROPERTY ARE EXEMPT FROM
12 THE REQUIREMENTS OF THIS SECTION.
13 S 2. This act shall take effect on the ninetieth day after it shall
14 have become a law.

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

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