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

577

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. LIFTON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting smoking within fifty feet of all entrances to certain buildings

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

Section 1. Section 1399-n of the public health law is amended by adding two new subdivisions 9 and 10 to read as follows:

9. "STATE OFFICE" MEANS ANY BUILDING OR FACILITY IN THE STATE WHEREIN ONE HUNDRED OR MORE EMPLOYEES, IN AGGREGATE, OF ANY STATE AGENCY ARE LOCATED WHETHER OR NOT SUCH OFFICE BUILDING OR FACILITY IS OWNED, RENTED OR LEASED BY THE STATE.

10. "STATE AGENCY" MEANS ANY DEPARTMENT OF THE EXECUTIVE, ANY BUREAU, COMMISSION, AGENCY, BOARD OR OTHER AGENCY, ANY PUBLIC AUTHORITY, AND THE JUDICIARY AND THE LEGISLATURE.

S 2. Section 1399-o of the public health law, as amended by chapter 13 of the laws of 2003, subdivision 13 as amended by chapter 154 of the laws of 2008, is amended to read as follows:

S 1399-o. Smoking restrictions. 1. Smoking shall not be permitted and no person shall smoke in the following indoor areas:

[1.] (A) places of employment;

[2.] (B) bars;

[3.] (C) food service establishments, except as provided in subdivision six of section thirteen hundred ninety-nine-q of this article;

[4.] (D) enclosed indoor areas open to the public containing a swimming pool;

[5.] (E) public means of mass transportation, including subways, underground subway stations, and when occupied by passengers, buses, vans, taxicabs and limousines;

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

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[6.] (F) ticketing, boarding and waiting areas in public transportation terminals;

[7.] (G) youth centers and facilities for detention as defined in sections five hundred twenty-seven-a and five hundred three of the executive law;

[8.] (H) any facility that provides child care services as defined in section four hundred ten-p of the social services law, provided that such services provided in a private home are excluded from this subdivision when children enrolled in such day care are not present;

[9.] (I) child day care centers as defined in section three hundred ninety of the social services law and child day care centers licensed by the city of New York;

[10.] (J) group homes for children as defined in section three hundred seventy-one of the social services law;

[11.] (K) public institutions for children as defined in section three hundred seventy-one of the social services law;

[12.] (L) residential treatment facilities for children and youth as defined in section 1.03 of the mental hygiene law;

[13.] (M) all public and private colleges, universities and other educational and vocational institutions, including dormitories, residence halls, and other group residential facilities that are owned or operated by such colleges, universities and other educational and vocational institutions, except that these restrictions shall not apply in any off-campus residential unit occupied by a person who is not enrolled as an undergraduate student in such college, university or other educational or vocational institution;

[14.] (N) general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, and other health care facilities licensed by the state in which persons reside; provided, however, that the provisions of this subdivision shall not prohibit smoking by patients in separate enclosed rooms of residential health care facilities, adult care facilities established or certified under title two of article seven of the social services law, community mental health residences established under section 41.44 of the mental hygiene law, or facilities where day treatment programs are provided, which are designated as smoking rooms for patients of such facilities or programs;

[15.] (O) commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity;

[16.] (P) indoor arenas;

[17.] (Q) zoos; and

[18.] (R) bingo facilities.

2. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE IN THE OUTSIDE AREA WITHIN FIFTY FEET OF AN ENTRANCE TO A BUILDING CONTAINING ONE OR MORE OF THE INDOOR AREAS LISTED IN SUBDIVISION ONE OF THIS SECTION, OR IN THE OUTSIDE AREA WITHIN FIFTY FEET OF ANY STATE OFFICE BUILDING USED FOR STATE AGENCY.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.