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

2631

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. PADAVAN -- 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 casino advertising near certain locations

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 article 13-I to read as follows:

ARTICLE 13-I
CASINO ADVERTISING
IN CERTAIN LOCATIONS PROHIBITED

SECTION 1399-XX. DEFINITIONS.
1399-YY. CASINO ADVERTISING NEAR SCHOOLS PROHIBITED; PENALTY.

S 1399-XX. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "PERSON" SHALL MEAN A PERSON, FIRM, OR COMPANY, CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, LIMITED PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP.

2. "CASINO" SHALL MEAN AN ESTABLISHMENT CONDUCTING GAMES OF CHANCE AND/OR OPERATING SLOT MACHINES WHICH ARE ILLEGAL IN NEW YORK STATE.

3. "SCHOOL GROUNDS" SHALL MEAN ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC OR PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, OR HIGH SCHOOL.

4. "CHILD DAY CARE CENTER" SHALL MEAN (I) ANY CHILD CARE ARRANGEMENT, PUBLIC, PRIVATE OR PAROCHIAL CHILD CARE CENTER, SCHOOL-AGE CHILD CARE PROGRAM, DAY NURSERY SCHOOL, KINDERGARTEN, PLAY SCHOOL OR OTHER SIMILAR SCHOOL OR SERVICE OPERATING PURSUANT TO AUTHORIZATION, LICENSE OR PERMIT OF THE CITY OR STATE; (II) ANY FACILITY THAT PROVIDES CHILD CARE SERVICES; OR (III) A CHILD DAY CARE CENTER AS DEFINED IN SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW. THE DEFINITION OF "CHILD DAY

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

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CARE CENTER" APPLIES WHETHER OR NOT CARE IS GIVEN FOR COMPENSATION BUT DOES NOT INCLUDE CHILD CARE CENTERS LOCATED IN PRIVATE DWELLINGS AND MULTIPLE DWELLING UNITS.

5. "PLAYGROUND" SHALL MEAN ANY OUTDOOR PREMISES OR GROUNDS OWNED OR LAWFULLY OPERATED BY OR ON BEHALF OF THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, OR ANY OUTDOOR PREMISES OR GROUNDS OWNED OR LAWFULLY OPERATED BY OR ON BEHALF OF ANY TOWN, VILLAGE, CITY, OR COUNTY, OR ANY SUBDIVISION THEREOF, WHICH IS USED IN PART OR WHOLLY FOR PUBLIC RECREATIONAL ACTIVITIES OF ANY KIND, OR ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL, ANY CHILD DAY CARE CENTER OR ANY YOUTH CENTER, WHICH CONTAINS ANY DEVICE, STRUCTURE OR IMPLEMENT, FIXED OR PORTABLE, USED OR INTENDED TO BE USED BY PERSONS UNDER THE AGE OF EIGHTEEN FOR RECREATIONAL OR ATHLETIC PURPOSES INCLUDING, BUT NOT LIMITED TO, PLAY EQUIPMENT SUCH AS A SLIDING BOARD, SWING, JUNGLE GYM, SANDBOX, CLIMBING BAR, WADING POOL, OBSTACLE COURSE, SWIMMING POOL, SEESAW, BASEBALL DIAMOND, ATHLETIC FIELD, OR BASKETBALL COURT.

6. "YOUTH CENTER" MEANS ANY BUILDING OR STRUCTURE OR PORTION THEREOF, LAWFULLY OCCUPIED BY ANY PERSON FOR THE PRIMARY PURPOSE OF OPERATING A TRADE SCHOOL (INCLUDING THOSE CONDUCTING AFTER SCHOOL, VOCATIONAL, REMEDIAL, TUTORIAL, EDUCATIONAL ASSISTANCE PROGRAMS) OR AN INDOOR RECREATIONAL CENTER (INCLUDING RECREATIONAL, CULTURAL, PHYSICAL FITNESS, OR SPORTS PROGRAMS) FOR PERSONS UNDER THE AGE OF EIGHTEEN YEARS.

S 1399-YY. CASINO ADVERTISING NEAR SCHOOLS PROHIBITED; PENALTY. 1. NO PERSON ENGAGED IN ADVERTISING, MARKETING, OR SELLING ADVERTISING SPACE OR MEDIA, OR ANY AGENT OR EMPLOYEE OF SUCH A PERSON, SHALL ADVERTISE, MARKET OR PROMOTE CASINOS, OR PERMIT CASINOS TO BE ADVERTISED ON, IN OR WITHIN ONE THOUSAND FEET OF ANY SCHOOL GROUND, CHILD DAY CARE CENTER, PLAYGROUND OR YOUTH CENTER.

2. HEARINGS WITH RESPECT TO VIOLATION OF THIS ARTICLE SHALL BE CONDUCTED IN THE SAME MANNER AS HEARINGS CONDUCTED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER.

3. IF THE ENFORCEMENT OFFICER DETERMINES AFTER A HEARING THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, HE OR SHE SHALL IMPOSE A CIVIL PENALTY OF A MINIMUM OF TWO HUNDRED FIFTY DOLLARS, BUT NOT TO EXCEED ONE THOUSAND DOLLARS FOR A FIRST VIOLATION, A MINIMUM OF FIVE HUNDRED DOLLARS, BUT NOT TO EXCEED ONE THOUSAND DOLLARS FOR A SECOND VIOLATION, AND A MINIMUM OF ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

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