

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 smoking at playgrounds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 1399-0-1. 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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