

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

10141--B

R. R. 239

I N A S S E M B L Y

May 9, 2012

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the public health law and the education law, in relation to prohibiting smoking within 100 feet of the entrances or exits of any public or private educational institutions

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

- 1 Section 1. Section 1399-o of the public health law is amended by
2 adding a new subdivision 3 to read as follows:
3 3. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE
4 HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY PUBLIC OR
5 PRIVATE ELEMENTARY OR SECONDARY SCHOOLS; PROVIDED, HOWEVER, THAT THE
6 PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO SMOKING IN A RESI-
7 DENCE, OR WITHIN THE REAL PROPERTY BOUNDARY LINES OF SUCH RESIDENTIAL
8 REAL PROPERTY. THE PROVISIONS OF SECTION THIRTEEN HUNDRED NINETY-NINE-P
9 OF THIS ARTICLE SHALL NOT APPLY TO THIS SUBDIVISION.
10 S 2. Subdivision 2 of section 409 of the education law, as amended by
11 chapter 13 of the laws of 2003, is amended to read as follows:
12 2. Notwithstanding the provisions of any other law, rule or regu-
13 lation, tobacco use shall not be permitted and no person shall use
14 tobacco on school grounds. "School grounds" means any building, struc-
15 ture and surrounding outdoor grounds, INCLUDING ENTRANCES OR EXITS,
16 contained within a public or private pre-school, nursery school, elemen-
17 tary or secondary school's legally defined property boundaries as regis-
18 tered in a county clerk's office.
19 S 3. This act shall take effect immediately.

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

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