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

1064

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, MILLMAN, WEISENBERG, GALEF -- Multi-Sponsored by -- M. of A. CLARK, MAISEL, MAYERSOHN, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the advertisement of tobacco products and alcohol at mass transit facilities

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 section 1399-mm-1 to read as follows:

S 1399-MM-1. ADVERTISING OF TOBACCO PRODUCTS AND ALCOHOL AT MASS TRANSIT FACILITIES PROHIBITED. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "TOBACCO PRODUCTS" SHALL MEAN CIGARETTES, CIGARS, CHEWING TOBACCO, OR ANY OTHER TOBACCO PRODUCT;

B. "MASS TRANSIT FACILITIES" SHALL MEAN A TRAIN, SUBWAY, BUS, TAXICAB, OR FERRY OR ANY BUILDING OR AREA WHERE PEOPLE GATHER TO RIDE SUCH TRAIN, SUBWAY, BUS, TAXICAB OR FERRY; AND

C. "PERSON" SHALL MEAN A PERSON, FIRM, COMPANY, CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, LIMITED PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP, WHETHER PUBLIC OR PRIVATE, THAT RECEIVES FUNDING FROM THE STATE TO OPERATE A MASS TRANSIT FACILITY.

2. NO PERSON OPERATING A MASS TRANSIT FACILITY WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE LOCATED WITHIN THIS STATE SHALL DISPLAY ANY ADVERTISEMENT OF ANY TYPE OR MANNER TO PROMOTE THE SALE OR USE OF ANY TOBACCO PRODUCT OR ALCOHOL.

3. NOTWITHSTANDING THE PROVISIONS OF SECTION THIRTEEN HUNDRED NINETY-NINE-EE OF THIS ARTICLE, ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS PER DAY FOR EACH SUCH VIOLATION.

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

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

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