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

S. 3461--C A. 5516--C
Cal. No. 387

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 23, 2011

IN SENATE -- Introduced by Sens. FUSCHILLO, ADAMS, CARLUCCI, OPPENHEIMER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. JAFFEE, ORTIZ, P. RIVERA, N. RIVERA, DINOWITZ, CAMARA, GABRYSZAK, WEPRIN, LIFTON -- Multi-Sponsored by -- M. of A. ABINANTI, WEISENBERG -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting smoking on waiting and platform areas of railroad stations operated by the metropolitan transportation authority or its subsidiaries

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

Section 1. 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;

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

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[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;
[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 FOLLOWING OUTDOOR AREAS: TICKETING, BOARDING OR PLATFORM AREAS OF RAILROAD STATIONS OPERATED BY THE METROPOLITAN TRANSPORTATION AUTHORITY OR ITS SUBSIDIARIES.
S 2. Section 1399-x of the public health law, as added by chapter 244 of the laws of 1989, is amended to read as follows:
S 1399-x. Rules and regulations. The commissioner shall not promulgate any rules or regulations to effectuate the provisions of section

thirteen hundred ninety-nine-n, [subdivision six] PARAGRAPH F OF SUBDIVISION ONE of section thirteen hundred ninety-nine-o or subdivision one of section thirteen hundred ninety-nine-p of this article. The commissioner shall not promulgate any rules or regulations that create, limit or enlarge any smoking restrictions.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.