

6156

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. DINOWITZ, ENGLEBRIGHT, ORTIZ, P. RIVERA, JAFFEE,
N. RIVERA, ROBINSON, BOYLAND, CAMARA -- Multi-Sponsored by -- M. of A.
GOTTFRIED, THIELE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting smok-
ing in certain outdoor areas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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-o-1. SMOKING RESTRICTIONS; CERTAIN OUTDOOR AREAS. 1. SMOKING
4 SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE IN ANY PUBLIC PARK OR
5 PEDESTRIAN PLAZA.
6 2. FOR THE PURPOSES OF THIS SECTION:
7 (A) "PARK" MEANS PUBLIC PARKS, BEACHES, WATERS AND LAND UNDER WATER,
8 POOLS, BOARDWALKS, MARINAS, PLAYGROUNDS, RECREATION CENTERS AND ALL
9 OTHER PROPERTY, EQUIPMENT, BUILDINGS AND FACILITIES NOW OR HEREAFTER
10 UNDER THE JURISDICTION, CHARGE OR CONTROL OF ANY STATE OR LOCAL GOVERN-
11 MENT AGENCY OR DEPARTMENT.
12 (B) "PEDESTRIAN PLAZA" MEANS AN AREA DESIGNATED BY THE DEPARTMENT OF
13 TRANSPORTATION FOR USE AS A PLAZA LOCATED WITHIN THE BED OF A ROADWAY,
14 WHICH MAY CONTAIN BENCHES, TABLES OR OTHER FACILITIES FOR PEDESTRIAN
15 USE.
16 3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO: (A) THE SIDE-
17 WALKS IMMEDIATELY ADJOINING PARKS, SQUARES AND PUBLIC PLACES; (B) ANY
18 PEDESTRIAN ROUTE THROUGH ANY PARK STRIP, MEDIAN OR MALL THAT IS ADJACENT
19 TO VEHICULAR TRAFFIC; (C) PARKING LOTS; AND (D) THEATRICAL PRODUCTIONS.
20 S 2. Section 1399-v of the public health law, as added by chapter 244
21 of the laws of 1989, is amended to read as follows:
22 S 1399-v. Penalties. The commissioner may impose a civil penalty for
23 a violation of this article in an amount not to exceed that set forth in
24 subdivision one of section twelve of this chapter. Any other enforcement

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

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1 officer may impose a civil penalty for a violation of this article in an
2 amount not to exceed that set forth in paragraph f of subdivision one of
3 section three hundred nine of this chapter. NOTWITHSTANDING THE FOREGO-
4 ING PROVISIONS, A VIOLATION OF THE PROVISIONS OF SECTION THIRTEEN
5 HUNDRED NINETY-NINE-O-1 OF THIS ARTICLE SHALL BE PUNISHABLE BY A CIVIL
6 PENALTY OF FIFTY DOLLARS FOR EACH VIOLATION.
7 S 3. This act shall take effect on the ninetieth day after it shall
8 have become a law.