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

6543

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

Introduced by M. of A. GALEF -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the parks, recreation and historic preservation law, in relation to smoking restrictions on playgrounds

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-y to read as follows:

S 1399-Y. SMOKING RESTRICTIONS ON PLAYGROUNDS. 1. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE AT ANY PLAYGROUND. FOR THE PURPOSES OF THIS SECTION, THE TERM "PLAYGROUND" MEANS AN IMPROVED AREA DESIGNED, EQUIPPED, AND SET ASIDE FOR PLAY OF SIX OR MORE CHILDREN WHICH IS NOT INTENDED FOR USE AS AN ATHLETIC PLAYING FIELD OR ATHLETIC COURT, AND SHALL INCLUDE ANY PLAY EQUIPMENT, SURFACING, FENCING, SIGNS, INTERNAL PATHWAYS, INTERNAL LAND FORMS, VEGETATION, AND RELATED STRUCTURES. PLAYGROUNDS OR PLAYGROUND EQUIPMENT CONSTRUCTED UPON ONE, TWO AND THREE-FAMILY RESIDENTIAL REAL PROPERTY ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

2. PURSUANT TO SECTION 13.18 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, THE REGIONAL STATE PARK POLICE SHALL HAVE THE AUTHORITY TO ENFORCE THE RESTRICTIONS IMPOSED BY THIS SECTION AT ALL SUCH PLAYGROUNDS.

3. AN ALLEGED VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL NOT SUPPORT PROBABLE CAUSE FOR ANY POLICE OFFICER, PARK OFFICER, PEACE OFFICER, REGULATORY OFFICER OR LAW ENFORCEMENT OFFICIAL TO CONDUCT ANY SEARCH OR LIMITED SEARCH OF ANY PERSON OR HIS OR HER IMMEDIATE SURROUNDINGS.

S 2. The parks, recreation and historic preservation law is amended by adding a new section 13.18 to read as follows:

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

LBD09649-01-1

S 13.18. SMOKING RESTRICTIONS ON PLAYGROUNDS. THE REGIONAL STATE PARK POLICE SHALL HAVE THE AUTHORITY TO ENFORCE THE RESTRICTIONS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTEEN HUNDRED NINETY-NINE-Y OF THE PUBLIC HEALTH LAW. THE PARK POLICE MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF SECTION THIRTEEN HUNDRED NINETY-NINE-Y OF THE PUBLIC HEALTH LAW IN AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS FOR A SINGLE VIOLATION OR FAILURE.

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