

2997

2011-2012 Regular Sessions

I N S E N A T E

February 4, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting smoking on platforms of the Long Island and Metro North railroads

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, as amended by
2 chapter 13 of the laws of 2003, subdivision 13 as amended by chapter 154
3 of the laws of 2008, is amended to read as follows:
4 S 1399-o. Smoking restrictions. 1. Smoking shall not be permitted and
5 no person shall smoke in the following indoor areas:
6 [1.] A. places of employment;
7 [2.] B. bars;
8 [3.] C. food service establishments, except as provided in subdivision
9 six of section thirteen hundred ninety-nine-q of this article;
10 [4.] D. enclosed indoor areas open to the public containing a swimming
11 pool;
12 [5.] E. public means of mass transportation, including subways, under-
13 ground subway stations, and when occupied by passengers, buses, vans,
14 taxicabs and limousines;
15 [6.] F. ticketing, boarding and waiting areas in public transportation
16 terminals;
17 [7.] G. youth centers and facilities for detention as defined in
18 sections five hundred twenty-seven-a and five hundred three of the execu-
19 tive law;
20 [8.] H. any facility that provides child care services as defined in
21 section four hundred ten-p of the social services law, provided that
22 such services provided in a private home are excluded from this subdivi-
23 sion when children enrolled in such day care are not present;

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

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1 [9.] I. child day care centers as defined in section three hundred
2 ninety of the social services law and child day care centers licensed by
3 the city of New York;

4 [10.] J. group homes for children as defined in section three hundred
5 seventy-one of the social services law;

6 [11.] K. public institutions for children as defined in section three
7 hundred seventy-one of the social services law;

8 [12.] L. residential treatment facilities for children and youth as
9 defined in section 1.03 of the mental hygiene law;

10 [13.] M. all public and private colleges, universities and other
11 educational and vocational institutions, including dormitories, resi-
12 dence halls, and other group residential facilities that are owned or
13 operated by such colleges, universities and other educational and voca-
14 tional institutions, except that these restrictions shall not apply in
15 any off-campus residential unit occupied by a person who is not enrolled
16 as an undergraduate student in such college, university or other educa-
17 tional or vocational institution;

18 [14.] N. general hospitals and residential health care facilities as
19 defined in article twenty-eight of this chapter, and other health care
20 facilities licensed by the state in which persons reside; provided,
21 however, that the provisions of this subdivision shall not prohibit
22 smoking by patients in separate enclosed rooms of residential health
23 care facilities, adult care facilities established or certified under
24 title two of article seven of the social services law, community mental
25 health residences established under section 41.44 of the mental hygiene
26 law, or facilities where day treatment programs are provided, which are
27 designated as smoking rooms for patients of such facilities or programs;

28 [15.] O. commercial establishments used for the purpose of carrying on
29 or exercising any trade, profession, vocation or charitable activity;

30 [16.] P. indoor arenas;

31 [17.] Q. zoos; and

32 [18.] R. bingo facilities.

33 2. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE IN THE
34 FOLLOWING OUTDOOR AREAS: TICKETING, BOARDING OR PLATFORM AREA OF A
35 TRANSPORTATION TERMINAL OF THE LONG ISLAND RAIL ROAD OR THE METRO NORTH
36 RAILROAD.

37 S 2. This act shall take effect immediately.