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

1449

2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. FLANAGAN -- 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 at 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-o-1 to read as follows:

S 1399-O-1. SMOKING RESTRICTIONS; CERTAIN OUTDOOR AREAS. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN FIFTY FEET OF 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.

S 2. This act shall take effect on the ninetieth 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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