

464--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. STAVISKY, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommended to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting smoking in certain outdoor areas

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

1     Section 1. The public health law is amended by adding a new section  
2     1399-o-2 to read as follows:  
3     S 1399-O-2. 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 OR ROADWAYS; (D) THEATRICAL  
20    PRODUCTIONS; AND (E) ANY PORTION OF A PARK THAT IS NOT USED FOR PARK

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

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1 PURPOSES. THIS SUBDIVISION SHALL NOT LIMIT THE APPLICABILITY OF ANY  
2 OTHER LAWS TO SUCH PLACES.

3 S 2. Section 1399-v of the public health law, as added by chapter 244  
4 of the laws of 1989, is amended to read as follows:

5 S 1399-v. Penalties. The commissioner may impose a civil penalty for  
6 a violation of this article in an amount not to exceed that set forth in  
7 subdivision one of section twelve of this chapter. Any other enforcement  
8 officer may impose a civil penalty for a violation of this article in an  
9 amount not to exceed that set forth in paragraph [f] (F) of subdivision  
10 one of section three hundred nine of this chapter. NOTWITHSTANDING THE  
11 FOREGOING PROVISIONS, A VIOLATION OF THE PROVISIONS OF SECTION THIRTEEN  
12 HUNDRED NINETY-NINE-O-TWO OF THIS ARTICLE SHALL BE PUNISHABLE BY A CIVIL  
13 PENALTY OF FIFTY DOLLARS FOR EACH VIOLATION.

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