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

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8155

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 10, 2015
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Introduced by M. of A. LAVINE -- read once and referred to the Committee
  on Health

AN ACT to amend the public health law, in relation to prohibiting smok-
  ing at playgrounds

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

 1   Section 1. Section 1399-o-1 of the public health law, as added by
 2 chapter 102 of the laws of 2013, is amended 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 during the hours
 5 between sunrise and sunset, when one or more persons under the age of
 6 twelve are present at any playground] WITHIN FIFTY FEET OF ANY PLAY-
 7 GROUND AT ANY TIME. For the purposes of this section, the term "play-
 8 ground" means an improved area designed, equipped, and set aside for
 9 play of six or more children which is not intended for use as an athlet-
10 ic playing field or athletic court, and shall include any play equip-
11 ment, surfacing, fencing, signs, internal pathways, internal land forms,
12 vegetation, and related structures. Playgrounds or playground equipment
13 constructed upon one, two and three-family residential real property are
14 exempt from the requirements of this section. [This section shall not
15 apply to any playground located within the city of New York.]
16   2. No police officer, peace officer, regulatory officer or law
17 enforcement official may arrest[, ticket, stop or question] any person
18 based solely [or in part] on an alleged violation of subdivision one of
19 this section, nor may an alleged violation of subdivision one of this
20 section support probable cause to conduct any search or limited search
21 of any person or his or her immediate surroundings.
22   S 2. This act shall take effect on the ninetieth day after it shall
23 have become a law.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                    [ ] is old law to be omitted.
                                                       LBD05214-01-5