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

993--A

Cal. No. 391

2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sens. RIVERA, PARKER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law and the administrative code of the city of New York, in relation to prohibiting the smoking of tobacco products in or near after-school programs

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

Section 1. Section 1399-o of the public health law is amended by adding a new subdivision 4 to read as follows:

4. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY AFTER-SCHOOL PROGRAM LICENSED OR REGISTERED PURSUANT TO SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY ON THOSE DAYS AND DURING THOSE HOURS IN WHICH SUCH AFTER-SCHOOL PROGRAMS ARE OPERATIONAL; AND PROVIDED, FURTHER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO SMOKING IN A RESIDENCE, OR WITHIN THE REAL PROPERTY BOUNDARY LINES OF SUCH RESIDENTIAL REAL PROPERTY.

S 2. Section 1399-p of the public health law is amended by adding a new subdivision 3 to read as follows:

3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO AFTER-SCHOOL PROGRAMS THAT ARE SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF SECTION THIRTEEN HUNDRED NINETY-NINE-O OF THIS ARTICLE, PROVIDED THAT SIGNS POSTED PURSUANT TO THIS SUBDIVISION SHALL SPECIFY THE SPECIFIC TIME PERIOD DURING WHICH SMOKING SHALL BE PROHIBITED.

S 3. Section 21-120.1 of the administrative code of the city of New York, as added by local law number 31 of the city of New York for the year 2000, is amended by adding a new subdivision i to read as follows:

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

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I. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY AFTER-SCHOOL PROGRAM LICENSED PURSUANT TO THIS SECTION; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY ON THOSE DAYS AND DURING THOSE HOURS IN WHICH SUCH AFTER-SCHOOL PROGRAMS ARE OPERATIONAL; AND PROVIDED THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO SMOKING IN A RESIDENCE, OR WITHIN THE REAL PROPERTY BOUNDARY LINES OF SUCH RESIDENTIAL REAL PROPERTY. SIGNS MAY BE POSTED, PURSUANT TO SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED NINETY-NINE-P OF THE PUBLIC HEALTH LAW, SPECIFYING THE SPECIFIC TIME PERIOD DURING WHICH SMOKING SHALL BE PROHIBITED.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.