

1982--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 13, 2015

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Introduced by M. of A. WEPRIN, ZEBROWSKI, CAHILL, JAFFEE, GALEF, STECK  
-- Multi-Sponsored by -- M. of A. ABINANTI, ARROYO, AUBRY, BRAUNSTEIN,  
COOK, CRESPO, CUSICK, DenDEKKER, DINOWITZ, ENGLEBRIGHT, FARRELL, GOTT-  
FRIED, HEVESI, HOOPER, KAVANAGH, LAVINE, MAGNARELLI, MARKEY, McDO-  
NOUGH, McKEVITT, MILLER, MOSLEY, ORTIZ, PAULIN, PERRY, PRETLOW,  
RIVERA, ROBINSON, TITUS -- read once and referred to the Committee on  
Health -- recommitted to the Committee on Health in accordance with  
Assembly Rule 3, sec. 2 -- reported and referred to the Committee on  
Codes -- committee discharged, bill amended, ordered reprinted as  
amended and recommitted to said committee

AN ACT to amend the public health law, in relation to restricting areas  
where smoking is permitted

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

1     Section 1. Section 1399-o of the public health law is amended by  
2     adding a new subdivision 5 to read as follows:  
3     5. A. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN  
4     PRIVATE PASSENGER CARS, PRIVATE PASSENGER VANS OR PRIVATE PASSENGER  
5     TRUCKS WHERE A MINOR UNDER FOURTEEN YEARS OF AGE IS A PASSENGER IN ANY  
6     SUCH VEHICLES.  
7     B. A PERSON WHO HOLDS A LIGHTED CIGAR, CIGARETTE, PIPE OR ANY OTHER  
8     MATTER OR SUBSTANCE WHICH CONTAINS TOBACCO OR ANY OTHER PLANT OR MATTER  
9     THAT CAN BE SMOKED TO, OR IN THE IMMEDIATE PROXIMITY OF HIS OR HER  
10    MOUTH, WHILE IN SUCH VEHICLE IS PRESUMED TO BE ENGAGING IN SMOKING WITH-  
11    IN THE MEANING OF THIS SECTION. THE PRESUMPTION ESTABLISHED BY THIS  
12    PARAGRAPH IS REBUTTABLE BY EVIDENCE SHOWING THAT THE PERSON WAS NOT  
13    SMOKING A LIGHTED CIGAR, CIGARETTE, PIPE OR OTHER MATTER OR SUBSTANCE  
14    WHICH CONTAINS TOBACCO OR ANY OTHER PLANT OR MATTER THAT CAN BE SMOKED.  
15    S 2. Subdivision 1 of section 1399-q of the public health law, as  
16    amended by chapter 13 of the laws of 2003, is amended to read as  
17    follows:

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

LBD04950-02-6

1 1. Private homes, private residences and private automobiles EXCEPT AS  
2 PROVIDED IN SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED NINETY-NINE-O  
3 OF THIS ARTICLE;

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

6 S 1399-v. Penalties. 1. The commissioner may impose a civil penalty  
7 for a violation of this article in an amount not to exceed that set  
8 forth in subdivision one of section twelve of this chapter. Any other  
9 enforcement officer may impose a civil penalty for a violation of this  
10 article in an amount not to exceed that set forth in paragraph [f] (F)  
11 of subdivision one of section three hundred nine of this chapter.

12 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION  
13 ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION FIVE OF SECTION  
14 THIRTEEN HUNDRED NINETY-NINE-O OF THIS ARTICLE SHALL BE LIABLE FOR A  
15 CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS TO BE IMPOSED BY ANY  
16 ENFORCEMENT OFFICER IN ACCORDANCE WITH SECTION THIRTEEN HUNDRED NINETY-  
17 NINE-T OF THIS ARTICLE.

18 S 4. This act shall take effect on the one hundred twentieth day after  
19 it shall have become a law.