

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

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:

- 1 Section 1. Section 1399-o of the public health law is amended by
2 adding a new subdivision 4 to read as follows:
3 4. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE
4 HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY
5 AFTER-SCHOOL PROGRAM LICENSED OR REGISTERED PURSUANT TO SECTION THREE
6 HUNDRED NINETY OF THE SOCIAL SERVICES LAW; PROVIDED, HOWEVER, THAT THE
7 PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY ON THOSE DAYS AND DURING
8 THOSE HOURS IN WHICH SUCH AFTER-SCHOOL PROGRAMS ARE OPERATIONAL; AND
9 PROVIDED, FURTHER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
10 APPLY TO SMOKING IN A RESIDENCE, OR WITHIN THE REAL PROPERTY BOUNDARY
11 LINES OF SUCH RESIDENTIAL REAL PROPERTY.
12 S 2. Section 1399-p of the public health law is amended by adding a
13 new subdivision 3 to read as follows:
14 3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO AFTER-SCHOOL PROGRAMS
15 THAT ARE SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF SECTION THIR-
16 TEEN HUNDRED NINETY-NINE-O OF THIS ARTICLE, PROVIDED THAT SIGNS POSTED
17 PURSUANT TO THIS SUBDIVISION SHALL SPECIFY THE SPECIFIC TIME PERIOD
18 DURING WHICH SMOKING SHALL BE PROHIBITED.
19 S 3. Section 21-120.1 of the administrative code of the city of New
20 York, as added by local law number 31 of the city of New York for the
21 year 2000, is amended by adding a new subdivision i to read as follows:
22 I. SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE WITHIN ONE
23 HUNDRED FEET OF THE ENTRANCES, EXITS OR OUTDOOR AREAS OF ANY
24 AFTER-SCHOOL PROGRAM LICENSED PURSUANT TO THIS SECTION; PROVIDED, HOWEV-

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

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1 ER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY APPLY ON THOSE
2 DAYS AND DURING THOSE HOURS IN WHICH SUCH AFTER-SCHOOL PROGRAMS ARE
3 OPERATIONAL; AND PROVIDED THAT THE PROVISIONS OF THIS SUBDIVISION SHALL
4 NOT APPLY TO SMOKING IN A RESIDENCE, OR WITHIN THE REAL PROPERTY BOUNDA-
5 RY LINES OF SUCH RESIDENTIAL REAL PROPERTY. SIGNS SHALL BE POSTED,
6 PURSUANT TO SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED NINETY-NINE-P
7 OF THE PUBLIC HEALTH LAW, SPECIFYING THE SPECIFIC TIME PERIOD DURING
8 WHICH SMOKING SHALL BE PROHIBITED.
9 S 4. This act shall take effect on the thirtieth day after it shall
10 have become a law.