

# STATE OF NEW YORK

397--B

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, COOK, JAFFEE, ZEBROWSKI, SIMOTAS, JOYNER, BLAKE, ARROYO, STECK, HOOPER, BARRETT, RAIA -- Multi-Sponsored by -- M. of A. BYRNE, RIVERA -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 smoking restrictions in child care facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph h of subdivision 1 of section 1399-o of the  
2 public health law, as amended by chapter 335 of the laws of 2017, is  
3 amended to read as follows:

4 h. any facility that provides child care services as defined in  
5 section four hundred ten-p of the social services law, provided, howev-  
6 er, that [~~such services provided in~~] rooms in such a facility that is a  
7 private home [~~are excluded from this subdivision when children enrolled~~  
8 ~~in such day care are not present,~~] shall be regulated by this paragraph  
9 as follows:

10 (i) when such private home is not required to be licensed or regis-  
11 tered for such services by the office of children and family services,  
12 rooms in such home are excluded from the prohibition of this paragraph  
13 during periods when children receiving such services are not present;  
14 and

15 (ii) when such private home is required to be licensed or registered  
16 for such services by the office of children and family services, rooms  
17 in such home are included within the prohibition of this paragraph,

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

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1 regardless of whether or not children receiving such services are pres-  
2 ent.  
3 § 2. This act shall take effect on the ninetieth day after it shall  
4 have become a law.