

# STATE OF NEW YORK

5061

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. ZEBROWSKI, SIMON, PAULIN, DINOWITZ, JAFFEE, GALEF  
-- Multi-Sponsored by -- M. of A. COOK, B. MILLER -- read once and  
referred to the Committee on Health

AN ACT to amend the public health law, in relation to banning smoking in  
adult care facilities

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

Section 1. Paragraph n of subdivision 1 of section 1399-o of the  
public health law, as amended by chapter 389 of the laws of 2011, is  
amended to read as follows:

n. general hospitals and residential health care facilities as defined  
in article twenty-eight of this chapter, adult care facilities estab-  
lished or certified under title two of article seven of the social  
services law, community mental health residences established under  
section 41.44 of the mental hygiene law, facilities where day treatment  
programs are provided, and other health care facilities licensed by the  
state in which persons reside[~~, provided, however, that the provisions  
of this subdivision shall not prohibit smoking by patients in separate  
enclosed rooms of residential health care facilities, adult care facili-  
ties established or certified under title two of article seven of the  
social services law, community mental health residences established  
under section 41.44 of the mental hygiene law, or facilities where day  
treatment programs are provided, which are designated as smoking rooms  
for patients of such facilities or programs~~];

§ 2. This act shall take effect immediately.

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

LBD07826-01-7