

# STATE OF NEW YORK

3069

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ZEBROWSKI, SIMON, PAULIN, DINOWITZ, JAFFEE,  
GALEF, GLICK, WEPRIN -- 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 335 of the laws of 2017, 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 and vaping by patients in  
separate enclosed rooms of residential health care facilities, adult  
care facilities 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 smok-  
ing and vaping 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.

LBD06164-01-9