

# STATE OF NEW YORK

2655--B

Cal. No. 834

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

Introduced by Sens. STAVISKY, CARLUCCI, KRUEGER, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to prohibiting smoking in certain outdoor areas

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

1 Section 1. The public health law is amended by adding a new section  
2 1399-o-2 to read as follows:

3 § 1399-o-2. Smoking restrictions; certain outdoor areas. 1. Smoking  
4 shall not be permitted and no person shall smoke in any public park.

5 2. For the purposes of this section "park" shall mean:

6 (a) public parks, beaches, pools, boardwalks, marinas, playgrounds,  
7 recreation centers, and group camps; and

8 (b) equipment, buildings and facilities now or hereafter under the  
9 jurisdiction, charge or control of any state or local government agency  
10 or department that are located at or on any property described in para-  
11 graph (a) of this subdivision; provided, however, that for the purposes  
12 of this section the term public park shall not include the Adirondack  
13 park or the Catskill park as those terms are defined in section 9-0101  
14 of the environmental conservation law.

15 3. The provisions of this section shall not apply to: (a) the side-  
16 walks immediately adjoining parks, squares and public places; (b) any  
17 pedestrian route through any park strip, median or mall that is adjacent  
18 to vehicular traffic; (c) parking lots or roadways; (d) theatrical  
19 productions; and (e) any portion of a park that is not used for park  
20 purposes, except when smoking has been specifically prohibited in a

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

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1 state park or portion thereof by the office of parks, recreation and  
2 historic preservation. This subdivision shall not limit the applicabil-  
3 ity of any other laws to such places.

4 § 2. 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 § 1399-v. Penalties. The commissioner may impose a civil penalty for  
7 a violation of this article in an amount not to exceed that set forth in  
8 subdivision one of section twelve of this chapter. Any other enforcement  
9 officer may impose a civil penalty for a violation of this article in an  
10 amount not to exceed that set forth in paragraph [~~e~~] (f) of subdivision  
11 one of section three hundred nine of this chapter. Notwithstanding the  
12 foregoing provisions, a violation of the provisions of section thirteen  
13 hundred ninety-nine-o-two of this article shall be punishable by a civil  
14 penalty of fifty dollars for each violation.

15 § 3. This act shall take effect on the ninetieth day after it shall  
16 have become a law.