

# STATE OF NEW YORK

3962

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. WEPRIN, ZEBROWSKI, CAHILL, JAFFEE, GALEF, SOLAGES  
-- Multi-Sponsored by -- M. of A. ABINANTI, ARROYO, AUBRY, BRAUNSTEIN,  
COOK, CRESPO, CUSICK, DenDEKKER, DINOWITZ, ENGLEBRIGHT, GOTTFRIED,  
HEVESI, LAVINE, MAGNARELLI, McDONOUGH, M. G. MILLER, MOSLEY, ORTIZ,  
PAULIN, PERRY, PRETLOW, RIVERA, TITUS -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to restricting areas  
where smoking is permitted

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

1 Section 1. Section 1399-o of the public health law is amended by  
2 adding a new subdivision 7 to read as follows:

3 7. a. Smoking shall not be permitted and no person shall smoke within  
4 private passenger cars, private passenger vans or private passenger  
5 trucks where a minor under fourteen years of age is a passenger in any  
6 such vehicles.

7 b. A person who holds a lighted cigar, cigarette, pipe or any other  
8 matter or substance which contains tobacco or any other plant or matter  
9 that can be smoked to, or in the immediate proximity of his or her  
10 mouth, while in such vehicle is presumed to be engaging in smoking with-  
11 in the meaning of this section. The presumption established by this  
12 paragraph is rebuttable by evidence showing that the person was not  
13 smoking a lighted cigar, cigarette, pipe or other matter or substance  
14 which contains tobacco or any other plant or matter that can be smoked.

15 § 2. Subdivision 1 of section 1399-q of the public health law, as  
16 amended by chapter 335 of the laws of 2017, is amended to read as  
17 follows:

18 1. Private homes, private residences and private automobiles except as  
19 provided in subdivision seven of section thirteen hundred ninety-nine-o  
20 of this article;

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

LBD07520-01-9

1 § 3. Section 1399-v of the public health law, as added by chapter 244  
2 of the laws of 1989, is amended to read as follows:

3 § 1399-v. Penalties. 1. The commissioner may impose a civil penalty  
4 for a violation of this article in an amount not to exceed that set  
5 forth in subdivision one of section twelve of this chapter. Any other  
6 enforcement officer may impose a civil penalty for a violation of this  
7 article in an amount not to exceed that set forth in paragraph [~~f~~] (f)  
8 of subdivision one of section three hundred nine of this chapter.

9 2. Notwithstanding the provisions of subdivision one of this section  
10 any person who violates the provisions of subdivision seven of section  
11 thirteen hundred ninety-nine-o of this article shall be liable for a  
12 civil penalty of not more than one hundred dollars to be imposed by any  
13 enforcement officer in accordance with section thirteen hundred ninety-  
14 nine-t of this article.

15 § 4. This act shall take effect on the one hundred twentieth day after  
16 it shall have become a law.