

STATE OF NEW YORK

2655--A

Cal. No. 834

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

Introduced by Sens. STAVISKY, CARLUCCI, KRUEGER -- 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

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:

6 "Park" means public parks, beaches, waters and land under water,
7 pools, boardwalks, marinas, playgrounds, recreation centers and all
8 other property, equipment, buildings and facilities now or hereafter
9 under the jurisdiction, charge or control of any state or local govern-
10 ment agency or department; provided, however, that for the purposes of
11 this section the term public park shall not include the Adirondack park
12 or the Catskill park as those terms are defined in section 9-0101 of the
13 environmental conservation law.

14 3. The provisions of this section shall not apply to: (a) the side-
15 walks immediately adjoining parks, squares and public places; (b) any
16 pedestrian route through any park strip, median or mall that is adjacent
17 to vehicular traffic; (c) parking lots or roadways; (d) theatrical
18 productions; and (e) any portion of a park that is not used for park
19 purposes. This subdivision shall not limit the applicability of any
20 other laws to such places.

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

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

LBD00645-02-9

1 § 1399-v. Penalties. The commissioner may impose a civil penalty for
2 a violation of this article in an amount not to exceed that set forth in
3 subdivision one of section twelve of this chapter. Any other enforcement
4 officer may impose a civil penalty for a violation of this article in an
5 amount not to exceed that set forth in paragraph [~~f~~] (f) of subdivision
6 one of section three hundred nine of this chapter. Notwithstanding the
7 foregoing provisions, a violation of the provisions of section thirteen
8 hundred ninety-nine-o-two of this article shall be punishable by a civil
9 penalty of fifty dollars for each violation.

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