STATE OF NEW YORK

4142

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sens. STAVISKY, KRUEGER, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

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

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

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

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

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

3. The provisions of this section shall not apply to: (a) the sidewalks immediately adjoining parks, squares and public places; (b) any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; (c) parking lots or roadways; (d) theatrical productions; and (e) any portion of a park that is not used for park purposes, except when smoking has been specifically prohibited in a state park or portion thereof by the office of parks, recreation and historic preservation. This subdivision shall not limit the applicability of any other laws to such places.

§ 2. Section 1399-v of the public health law, as added by chapter 244 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.

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

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