

# STATE OF NEW YORK

4348

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

Introduced by Sen. BROUK -- 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 banning smoking in adult care facilities

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

1 Section 1. Paragraph n of subdivision 1 of section 1399-o of the  
2 public health law, as amended by chapter 335 of the laws of 2017, is  
3 amended to read as follows:

4 n. general hospitals and residential health care facilities as defined  
5 in article twenty-eight of this chapter, adult care facilities estab-  
6 lished or certified under title two of article seven of the social  
7 services law, community mental health residences established under  
8 section 41.44 of the mental hygiene law, facilities where day treatment  
9 programs are provided, and other health care facilities licensed by the  
10 state in which persons reside[~~; provided, however, that the provisions~~  
11 ~~of this subdivision shall not prohibit smoking and vaping by patients in~~  
12 ~~separate enclosed rooms of residential health care facilities, adult~~  
13 ~~care facilities established or certified under title two of article~~  
14 ~~seven of the social services law, community mental health residences~~  
15 ~~established under section 41.44 of the mental hygiene law, or facilities~~  
16 ~~where day treatment programs are provided, which are designated as smok-~~  
17 ~~ing and vaping rooms for patients of such facilities or programs];~~

18 § 2. This act shall take effect immediately.

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

LBD05748-01-1