

# STATE OF NEW YORK

1132

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. L. ROSENTHAL -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the definition of an indoor area; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 1399-n of the public health law is amended by  
2 adding a new subdivision 12 to read as follows:

3 12. "Indoor area" means any area with a full or partial roof covering,  
4 including an area with a roof or ceiling in place, which may be a fixed  
5 or movable roof or ceiling, where the total actual area of the wall  
6 surfaces exceeds seventy-five percent of the total notional wall area,  
7 and which allow the free flow of air without the assistance of mechan-  
8 ical ventilation, as defined by the commissioner. The commissioner may  
9 determine and enforce a lower percentage of total actual area to notion-  
10 al wall area, as deemed necessary to protect the public health and the  
11 intent of this article, provided, however, that the maximum percentage  
12 determined is not lower than fifty percent of the total notional wall  
13 area. The commissioner shall promulgate such rules and regulations as  
14 are necessary to define notional wall area, mechanical ventilation, and  
15 related building specifications needed to determine whether a structure  
16 falls within the definition of indoor area.

17 § 2. Section 1399-x of the public health law is REPEALED.

18 § 3. This act shall take effect immediately.

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

LBD01289-01-3