

S993-A RIVERA Same as [A 5917-A](#) Pichardo (MS)

Public Health Law

TITLE....Prohibits smoking tobacco products in and around after-school programs while in operation

01/08/15REFERRED TO HEALTH

04/22/151ST REPORT CAL.391

04/23/152ND REPORT CAL.

04/27/15ADVANCED TO THIRD READING

05/04/15AMENDED ON THIRD READING 993A

05/20/15PASSED SENATE

05/20/15DELIVERED TO ASSEMBLY

05/20/15referred to health

06/17/15substituted for a5917a

06/17/15ordered to third reading rules cal.462

06/24/15passed assembly

06/24/15returned to senate

08/03/15DELIVERED TO GOVERNOR

08/13/15SIGNED CHAP.100

RIVERA, PARKER, PERKINS

Amd SS1399-o & 1399-p, Pub Health L; amd S21-120.1, NYC Ad Cd

Prohibits smoking tobacco products in and around after-school programs while such programs are in operation.

EFF. DATE 09/12/2015

STATE OF NEW YORK

993--A

Cal. No. 391

2015-2016 Regular Sessions

IN SENATE

January 8, 2015

Introduced by Sens. RIVERA, PARKER, PERKINS -- 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 and the administrative code of the city of New York, in relation to prohibiting the smoking of tobacco products in or near after-school programs

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

1 Section 1. Section 1399-o of the public health law is amended by
2 adding a new subdivision 4 to read as follows:

3 4. Smoking shall not be permitted and no person shall smoke within one
4 hundred feet of the entrances, exits or outdoor areas of any after-
5 school program licensed or registered pursuant to section three hundred
6 ninety of the social services law; provided, however, that the
7 provisions of this subdivision shall only apply on those days and during
8 those hours in which such after-school programs are operational; and
9 provided, further, that the provisions of this subdivision shall not
10 apply to smoking in a residence, or within the real property boundary
11 lines of such residential real property.

12 § 2. Section 1399-p of the public health law is amended by adding a
13 new subdivision 3 to read as follows:

14 3. The provisions of this section shall apply to after-school programs
15 that are subject to the provisions of subdivision four of section thir-
16 teen hundred ninety-nine-o of this article, provided that signs posted
17 pursuant to this subdivision shall specify the specific time period
18 during which smoking shall be prohibited.

19 § 3. Section 21-120.1 of the administrative code of the city of New
20 York, as added by local law number 31 of the city of New York for the
21 year 2000, is amended by adding a new subdivision i to read as follows:

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

LBD05903-02-5

1 i. Smoking shall not be permitted and no person shall smoke within one
2 hundred feet of the entrances, exits or outdoor areas of any after-
3 school program licensed pursuant to this section; provided, however,
4 that the provisions of this subdivision shall only apply on those days
5 and during those hours in which such after-school programs are opera-
6 tional; and provided that the provisions of this subdivision shall not
7 apply to smoking in a residence, or within the real property boundary
8 lines of such residential real property. Signs may be posted, pursuant
9 to subdivision three of section thirteen hundred ninety-nine-p of the
10 public health law, specifying the specific time period during which
11 smoking shall be prohibited.

12 § 4. This act shall take effect on the thirtieth day after it shall
13 have become a law.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S993A

SPONSOR: RIVERA

TITLE OF BILL:

An act to amend the public health law and the administrative code of the city of New York, in relation to prohibiting the smoking of tobacco products in or near after-school programs

PURPOSE:

Prohibits smoking tobacco products in and around after-school programs while in operation.

SUMMARY OF PROVISIONS:

Section 1 amends the public health law by adding a new subdivision 4 to section 1399-o: Smoking shall not be permitted and no person shall smoke within one hundred feet of the entrances, exits or outdoor areas of any after-school program.

Section 2 amends the public health law by adding a new subdivision 3 to section 1399-p: The provisions of this section shall apply to after-school programs that are subject to the provisions of subdivision four of section thirteen hundred ninety-nine-o of this article.

Section 3 amends the administrative code of the city of New York by adding a new subdivision i: Smoking shall not be permitted and no person shall smoke within one hundred feet of the entrances, exits or outdoor areas of any after-school program.

JUSTIFICATION:

The Clean Indoor Air Act, enacted in 2003, banned smoking in all workplaces across the State. Since 2003, smokers have been forced to smoke outside and it has been unfortunate to see many smokers consistently light up within close proximity to after-school programs. This bill would prohibit individuals from smoking outside the entrances and exits of education institutions. This bill seeks to move smokers away from the doorways in order to protect students wishing to enter and exit educational institutions from unwanted exposure to secondhand smoke.

According to the Centers for Disease Control and Prevention, secondhand smoke exposure causes acute lower respiratory infections such as bronchitis and pneumonia in young children. Along with respiratory symptoms such as coughing, wheezing, and breathlessness among school-aged children and young adults, even brief second-hand smoke exposure can damage cells in ways that set the cancer process in motion.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the state.

EFFECTIVE DATE:

This act shall take effect on the thirtieth day after it shall have become a law.