

## LOCAL LAW NO. "G" FOR 2023

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 242 OF THE ALBANY COUNTY CODE TO PROHIBIT THE USE SMOKING AND VAPING OF TOBACCO OR CANNABIS PRODUCTS AT COUNTY PROPERTIES AND IN COUNTY VEHICLES

Introduced: 6/12/23

By McLean Lane, Commisso, Miller and Willingham:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

#### **Section 1. Article Creation.**

Chapter 242, Article VI, **Smoking and Vaping on County Properties**, is hereby created.

#### **Section 2. § 242-32 - Legislative Intent and Purpose.**

The Albany County Legislature finds that, each year, 41,000 people die prematurely from exposure to second hand smoke. According to the U.S. Surgeon General, there is no safe level of secondhand smoke exposure. E-cigarette aerosol (often called vapor) can also contain harmful and potentially harmful substances including nicotine, ultrafine particles, flavoring chemicals, volatile organic compounds, and heavy metals. County employees and visitors to Albany County buildings or vehicles should be able to work and seek services without being exposed to second hand smoke or e-cigarette vapors, aerosols, and smells. Therefore, it is the purpose of this law to protect the public health and welfare of the residents of Albany County by prohibiting all types of smoking, vaping, and smokeless use in Albany County buildings, within 25 feet of an entrance to and Albany County buildings, and within any County vehicles.

#### **Section 3. § 242-33 - Definitions.**

Smoking – Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, tobacco, marijuana, hookah, or any other combustible substance in any manner or in any form, or any other lighted or heated plant or chemical product intended for inhalation, in any manner or in any form.

Vaping/Smokeless Use – The release of tobacco, nicotine, marijuana, smokeless tobacco, or e-cigarette aerosol or vapor in any manner or in any form via e-cigarette, electronic aerosol delivery system, smokeless device, or other similar device.

#### **Section 4. § 242-34 - Smoking Prohibitions.**

Smoking, vaping, and/or the use of all other tobacco products, vaping or smokeless use products, or cannabis products by any person shall be prohibited within all County owned, operated and/or maintained buildings, within 25 feet of any entrance to a County owned, operated and/or maintained building, and in all County owned, operated and/or maintained vehicles.

**Section 5. § 242-35 - Signage.**

- A. Signage shall be posted in a conspicuous manner advising persons about the prohibition on the use of such products and the associated fines for violations.
- B. Signs shall be posted at all major entrances to County buildings and in indoor common areas where smoking, cannabis use, e-cigarette use, and/or smokeless use is not permitted.
- C. Signs shall also be posted at outside of all major entrances to County buildings indicating that smoking, cannabis use, e-cigarette use, and/or smokeless use is not permitted within 25 feet of the entrance to any Albany County building.

**Section 6. § 242-36 - Enforcement and Penalties.**

Any person who violates the provisions of Section 242-34 shall be subject to the imposition of a civil penalty by the Commissioner Health of not more than \$250 for a first violation, \$350 for a second violation, and \$500 for each subsequent violation thereafter. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the County of Albany.

**Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this law or the application thereof to any person, firm, corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

**Section 8. SEQRA Compliance.**

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

**Section 9. Effective Date.**

This local law shall take effect immediately after its filing with the Secretary of State.

*Referred to Law and Health Committees – 6/12/23*