
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2153 Session of
2014

INTRODUCED BY MURT, THOMAS, FRANKEL, STERN, BAKER, LAWRENCE,
KAUFFMAN, ROEBUCK, CLYMER, MCCARTER, SWANGER, COHEN AND
MULLERY, APRIL 8, 2014

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, APRIL 8, 2014

AN ACT

1 Amending the act of June 13, 2008 (P.L.182, No.27), entitled "An
2 act regulating smoking in this Commonwealth; imposing powers
3 and duties on the Department of Health and local boards of
4 health; providing penalties; preempting local action; and
5 making a related repeal," further providing for definitions
6 and for prohibition.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "gaming floor" and "public
10 place" in section 2 of the act of June 13, 2008 (P.L.182,
11 No.27), known as the Clean Indoor Air Act, are amended to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 ["Gaming floor." Any portion of a licensed facility where
18 slot machines have been installed for use or play as approved by
19 the Pennsylvania Gaming Control Board. The term does not include

1 an area adjacent to the gaming floor, including any hallway,
2 reception area, retail space, bar, nightclub, restaurant, hotel,
3 entertainment venue or office space.]

4 * * *

5 "Public place." An enclosed area which serves as a
6 workplace, commercial establishment or an area where the public
7 is invited or permitted. The term includes:

8 (1) A facility which provides education, food or health
9 care-related services.

10 (2) A vehicle used for mass transportation. This
11 paragraph includes a train, subway, bus, including a
12 chartered bus, plane, taxicab and limousine.

13 (3) A train station, subway station or bus station.

14 (4) A public facility. This paragraph includes a
15 facility to which the public is invited or in which the
16 public is permitted and a private home which provides child-
17 care or adult day-care services.

18 (5) A sports or recreational facility, theater or
19 performance establishment.

20 (6) A licensed facility.

21 * * *

22 Section 2. Section 3(b) of the act is amended to read:

23 Section 3. Prohibition.

24 * * *

25 (b) Exceptions.--Subsection (a) shall not apply to any of
26 the following:

27 (1) A private home, private residence or private vehicle
28 unless the private home, private residence or private vehicle
29 is being used at the time for the provision of child-care
30 services, adult day-care services or services related to the

1 care of children and youth in State or county custody.

2 (2) Designated quarters:

3 (i) within a lodging establishment which are
4 available for rent to guests accounting for no more than
5 25% of the total number of lodging units within a single
6 lodging establishment; or

7 (ii) within a full-service truck stop.

8 (3) A tobacco shop.

9 (4) A workplace of a manufacturer, importer or
10 wholesaler of tobacco products; a manufacturer of tobacco-
11 related products, including lighters; a tobacco leaf dealer
12 or processor; or a tobacco storage facility.

13 (5) Any of the following residential facilities:

14 (i) A long-term care facility regulated under 42 CFR
15 483.15 (relating to quality of life). This subparagraph
16 shall not apply if 42 CFR 483.15 is abrogated or expires.

17 (ii) A separate enclosed room or designated smoking
18 room in a residential adult care facility, community
19 mental health care facility, drug and alcohol facility or
20 other residential health care facility not covered under
21 subparagraph (i).

22 (iii) A designated smoking room in a facility which
23 provides day treatment programs.

24 (6) Subject to subsection (c)(2), a private club, except
25 where the club is:

26 (i) open to the public through general advertisement
27 for a club-sponsored event; or

28 (ii) leased or used for a private event which is not
29 club sponsored.

30 (7) A place where a fundraiser is conducted by a

1 nonprofit and charitable organization one time per year if
2 all of the following apply:

3 (i) The place is separate from other public areas
4 during the event.

5 (ii) Food and beverages are available to attendees.

6 (iii) Individuals under 18 years of age are not
7 permitted to attend.

8 (iv) Cigars are sold, auctioned or given as gifts,
9 and cigars are a feature of the event.

10 (8) An exhibition hall, conference room, catering hall
11 or similar facility used exclusively for an event to which
12 the public is invited for the primary purpose of promoting or
13 sampling tobacco products, subject to the following:

14 (i) All of the following must be met:

15 (A) Service of food and drink is incidental.

16 (B) The sponsor or organizer gives notice in all
17 advertisements and other promotional materials that
18 smoking will not be restricted.

19 (C) At least 75% of all products displayed or
20 distributed at the event are tobacco or tobacco-
21 related products.

22 (D) Notice that smoking will not be restricted
23 is prominently posted at the entrance to the
24 facility.

25 (ii) A single retailer, manufacturer or distributor
26 of tobacco may not conduct more than six days of a
27 promotional event under this paragraph in any calendar
28 year.

29 (9) A cigar bar.

30 (10) A drinking establishment.

1 [(11) Unless otherwise increased under this paragraph,
2 25% of the gaming floor at a licensed facility. No earlier
3 than 90 days following the effective date of this section or
4 the date of commencement of slot machine operations at a
5 licensed facility, whichever is later, a licensed facility
6 shall request a report from the Department of Revenue that
7 analyzes the gross terminal revenue per slot machine unit in
8 operation at the licensed facility within the 90-day period
9 preceding the request. If the report shows that the average
10 gross terminal revenue per slot machine unit in the
11 designated smoking area equals or exceeds the average gross
12 terminal revenue per slot machine unit in the designated
13 nonsmoking area, the licensed facility may increase the
14 designated smoking area of the gaming floor in proportion to
15 the percentage difference in revenue. A licensed facility may
16 request this report from the Department of Revenue on a
17 quarterly basis and may increase the designated smoking area
18 of the gaming floor accordingly. At no time may the
19 designated smoking area exceed 50% of the gaming floor. The
20 board shall have jurisdiction to verify the gross terminal
21 revenues included in the report to ensure compliance with the
22 requirements under this paragraph. Movement of the licensed
23 facility from a temporary facility to a permanent facility
24 shall not require the licensed facility to revert to the
25 minimum percentage set forth under this paragraph.]

26 (12) A designated outdoor smoking area within the
27 confines of a sports or recreational facility, theater or
28 performance establishment.

29 * * *

30 Section 3. This act shall take effect in 60 days.