
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 704 Session of
2023

INTRODUCED BY FONTANA, BREWSTER, SCHWANK AND HUTCHINSON,
MAY 23, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, MAY 23, 2023

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 definition of "smoking" in section 2 of the
10 act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor
11 Air Act, is 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 "Smoking." The carrying by a person of a lighted cigar,
18 cigarette, pipe or other lighted smoking device, including an
19 electronic cigarette.

20 * * *

1 Section 2. Section 3(b)(11) of the act is amended to read:

2 Section 3. Prohibition.

3 * * *

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

6 * * *

7 (11) Unless [otherwise increased under this paragraph,]
8 smoking is prohibited on 100% of the gaming floor in a
9 licensed facility, 25% of the gaming floor at a licensed
10 facility[.] unless that percentage is otherwise increased
11 under this paragraph. The designated smoking area must be an
12 enclosed area with adequate ventilation system to eliminate
13 the permeation of smoke into nonsmoking areas. No earlier
14 than 90 days following the effective date of this section or
15 the date of commencement of slot machine operations at a
16 licensed facility, whichever is later, a licensed facility
17 shall request a report from the Department of Revenue that
18 analyzes the gross terminal revenue per slot machine unit in
19 operation at the licensed facility within the 90-day period
20 preceding the request. If the report shows that the average
21 gross terminal revenue per slot machine unit in the
22 designated smoking area equals or exceeds the average gross
23 terminal revenue per slot machine unit in the designated
24 nonsmoking area, the licensed facility may increase the
25 designated smoking area of the gaming floor in proportion to
26 the percentage difference in revenue. A licensed facility may
27 request this report from the Department of Revenue on a
28 quarterly basis and may increase the designated smoking area
29 of the gaming floor accordingly. At no time may the
30 designated smoking area exceed 50% of the gaming floor. The

1 board shall have jurisdiction to verify the gross terminal
2 revenues included in the report to ensure compliance with the
3 requirements under this paragraph. Movement of the licensed
4 facility from a temporary facility to a permanent facility
5 shall not require the licensed facility to revert to the
6 minimum percentage set forth under this paragraph.

7 * * *

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