



Pennsylvania's Clean Indoor Air Act
(Establishing smoke-free indoor public and workplaces)
S.B. 246

June 2, 2008 Conference Committee Revisions

The **Clean Indoor Air Act** indicates no person shall carry a lighted cigar, cigarette, pipe or other lighted smoking device in the any of the following locations:

- All enclosed public places where the public is invited including and not limited to:
 - educational facilities
 - health care related facilities
 - mass transportation (train, subway, bus, chartered bus, plane, taxicab, limousine)
 - train station, subway station, bus station
 - public facility
 - sports or recreational facility
 - theater or performance establishment
- Restaurants
- Nightclubs
- Public meetings
- Workplaces (indoor area serving place of employment, occupation, business, trade, craft, professional or volunteer activity)

The law exempts the following places, permitting smoking in:

- Private residence or vehicle, unless they are being used for child care, adult day care or services related to the care of children and youth in State or county custody
- 25% of the total number of sleeping quarters available for rent in a single lodging establishments
- Full service truck stop (with shower facilities for fee)
- Workplaces of any manufacturer, importer, wholesaler of tobacco products, including lighters, of any tobacco leaf dealer or processor and all tobacco storage facilities
- Separate enclosed room or designated smoking rooms in a residential adult care facility, community mental health care facility, drug and alcohol facility, or other residential health care facilities and day treatment programs
- Private Clubs who have been in existence for 10 or more years, including volunteer ambulance, fire and rescue companies. A vote must be taken by the officers of the club.
- Non-profit fundraisers must be held by a non-profit or charitable organization in a place separate from other public areas, which does not permit anyone under 18 years and food and beverage must be served. One event per year limit exists.

- Tobacco Promotion Events where at least 75% of products displayed or distributed are tobacco or tobacco related products. Limited to six days of promotional events a year.
- Cigar Bar- 2 types- (must provide supporting documentation)
 - grandfather current cigar bars physically connected by a door, passageway, or other opening and adjacent to a tobacco shop.
 - other establishments that have a total annual sale of tobacco products of at least 15% of combined gross sales
- Bars (must provide supporting documentation)
 - annual sales of food sold is equal to or less than 20% of combined gross sales
 - does not permit individuals under 18 years of age
 - grandfathers enclosed areas which are physically connected or directly adjacent and separate from an eating area, has separate ventilation, and a separate outside entrance
- Casinos-25% of the gaming floor or if proof of a hardship, within 90 days of implementation or of an opening date, can be proven then 50% of gaming can have smoking permitted
- Wholesale or retail tobacco shop with tobacco sales comprising 50% or more of gross sales annually (must provide supporting documentation)
- Outdoor sports, recreational facility, theater or performance establishment

Enforcement

Owners, operators or managers can cite an affirmative defense. If the owner, operator or manager cannot prove good faith effort to prohibit smoking was made, or if the violation occurred when the owner, operator or manager was not present an administrative penalty can be assessed.

Individuals violating the law will be issue a criminal penalty

- 1st offense \$250
- 2nd offense \$500
- 3rd offense \$1,000

Pre-emption will be in effect, however the legislation will not apply to the City of Philadelphia.

Effective date for the legislation is 90 days.

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