

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 751 Session of 2015

INTRODUCED BY GREENLEAF, KITCHEN, BREWSTER, FONTANA, VANCE, PILEGGI, COSTA, MENSCH, RAFFERTY, VULAKOVICH, ALLOWAY, BROOKS, DINNIMAN, YUDICHAK, TARTAGLIONE, HUGHES AND BOSCOLA, APRIL 17, 2015

AS AMENDED ON THIRD CONSIDERATION, JUNE 22, 2015

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 53 <--
2 (MUNICIPALITIES GENERALLY) of the Pennsylvania Consolidated
3 Statutes, in minors, further providing for the offense of
4 sale of tobacco; AND, IN PREEMPTIONS RELATING TO <--
5 MUNICIPALITIES, FURTHER PROVIDING FOR TOBACCO.

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

8 Section 1. The definition of "tobacco product" in section
9 6305(k) of Title 18 of the Pennsylvania Consolidated Statutes is
10 amended to read:

11 § 6305. Sale of tobacco.

12 * * *

13 (k) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 * * *

17 "Tobacco product." [A cigarette, cigar, pipe tobacco or
18 other smoking tobacco product or smokeless tobacco in any form,

1 manufactured for the purpose of consumption by a purchaser, and
2 any cigarette paper or product used for smoking tobacco.] The
3 term includes:

4 (1) Any product containing, made or derived from tobacco
5 or nicotine that is intended for human consumption, whether
6 smoked, heated, chewed, absorbed, dissolved, inhaled,
7 snorted, sniffed or ingested by any other means, including,
8 but not limited to, a cigarette, a cigar, a little cigar,
9 chewing tobacco, pipe tobacco, snuff and snus.

10 (2) Any electronic device that delivers nicotine or
11 other substance to the person inhaling from the device,
12 including, but not limited to, an electronic cigarette, a
13 cigar, pipe and hookah.

14 The term includes any component, part or accessory of such
15 product or electronic device, whether or not sold separately.

16 The term does not include a product that has been approved by
17 the United States Food and Drug Administration for sale as a
18 tobacco cessation product or for other therapeutic purposes
19 where the product is marketed and sold solely for such approved
20 purpose.

21 * * *

22 SECTION 2. SECTION 301(B) (2) OF TITLE 53 IS AMENDED TO READ: <--

23 § 301. TOBACCO.

24 * * *

25 (B) EXCEPTION.--THIS SECTION DOES NOT PROHIBIT:

26 * * *

27 (2) LOCAL REGULATION ENACTED PRIOR TO JANUARY 1, 2002,
28 EXCEPT, AS TO PRODUCTS SPECIFIED IN PARAGRAPH (2) OF THE
29 "TOBACCO PRODUCT" DEFINITION OF 18 PA.C.S. § 6305(K)
30 (RELATING TO SALE OF TOBACCO), LOCAL REGULATION ENACTED PRIOR

1 TO MAY 1, 2014.

2 Section ~~2~~ 3. This act shall take effect in 60 days.

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