
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2492 Session of
1992

INTRODUCED BY DERMODY, CIVERA, TRELLO, CORRIGAN, JADLOWIEC, BUNT
AND GEORGE, MARCH 23, 1992

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 23, 1992

AN ACT

1 Providing for the regulation of vending machines dispensing
2 tobacco products.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Tobacco
7 Vending Machine Control Act.

8 Section 2. Definitions.

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

12 "Center of youth activity." Any facility used primarily by
13 minors for recreational, educational or entertainment purposes.

14 "Cigarettes." Any roll for smoking made wholly or in part of
15 tobacco, irrespective of size or shape, and whether or not such
16 tobacco is flavored, adulterated or mixed with any other
17 ingredient, the wrapper or cover of which is made of paper or

1 any other substance or material.

2 "Minor." Any person 17 years of age or younger.

3 "Operator." A person who sells tobacco products by means of
4 a vending machine. The term shall also include the proprietor of
5 the premises encompassing the location of the vending machine.

6 "Tobacco products." Any cigarette, cigar, pipe tobacco or
7 smokeless tobacco in any form.

8 "Vending machine." Any self-service coin or currency
9 operated machine designed for the purpose of selling tobacco
10 products to the public.

11 Section 3. Permitted location.

12 Tobacco products may be offered for retail sale to persons 18
13 years of age or older, in licensed vending machines, only in the
14 following locations:

15 (1) Areas within factories, businesses, offices or other
16 places not generally open to the public or to which minors
17 are generally not permitted.

18 (2) A restaurant, bar, tavern, hotel or club which has a
19 valid liquor or malt beverage license under the act of April
20 12, 1951 (P.L.90, No.21), known as the Liquor Code.

21 (3) Any retail or commercial location, which is not a
22 center of youth activity.

23 Section 4. Restrictions on placement.

24 The permitted locations described in section 3(b) and (c) are
25 subject to the following restrictions:

26 (1) The vending machine shall be located within the
27 immediate vicinity, plain view and control of an operator or
28 his employee, so that all purchases will be readily
29 observable by that operator or his employee.

30 (2) The vending machine is not permitted in a coatroom,

1 restroom, unmonitored hallway, outer waiting area or similar
2 unmonitored area.

3 (3) The vending machine shall not be accessible to the
4 public when the permitted location is closed.

5 Section 5. Coin-operated machines required.

6 All vending machines shall be coin operated. Tokens may not
7 be used.

8 Section 6. Municipal ordinance or resolution.

9 A municipality may not enact any ordinance or resolution or
10 enforce any existing ordinance or resolution regulating vending
11 machines to the extent it conflicts with this act.

12 Section 7. Defense.

13 Any person subject to a civil penalty under this act may use,
14 as a defense, a reasonable reliance on proof of age or on the
15 appearance of the purchaser.

16 Section 8. Penalties.

17 A person who violates this act commits a summary offense and
18 shall, upon conviction, be sentenced to pay a fine of not more
19 than \$300.

20 Section 9. Effective date.

21 This act shall take effect in 90 days.