

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 596 Session of
1995

INTRODUCED BY KING, RUBLEY, LYNCH, E. Z. TAYLOR, READSHAW,
FARMER, L. I. COHEN AND BELFANTI, FEBRUARY 7, 1995

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 7, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," further providing for licensing of cigarette
31 retailers and for combination sales of cigarettes and candy.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Sections 206-A and 218-A of the act of April 9,
3 1929 (P.L.343, No.176), known as The Fiscal Code, added July 2,
4 1993 (P.L.250, No.46), are amended to read:

5 Section 206-A. Licensing of Retailers.--Applicants for
6 retail license or renewal thereof shall meet the following
7 requirements:

8 (1) The premises in which the applicant proposes to conduct
9 business are adequate to protect the revenues.

10 (2) The applicant shall not have failed to disclose any
11 material information required by the department, including
12 information that the applicant has complied with this article by
13 providing a signed statement, under penalty of perjury, of
14 adherence to State presumptive minimum prices or written
15 approval from the department to sell at a specific different
16 price.

17 (3) The applicant shall not have any material false
18 statement in the application.

19 (4) The applicant shall not have violated any provision of
20 this article.

21 (5) The applicant shall have filed all required State tax
22 reports and paid any State taxes not subject to a timely
23 perfected administrative or judicial appeal or subject to a duly
24 authorized deferred payment plan.

25 (6) An applicant who is a vending machine operator shall not
26 dispense cigarettes and candy from the same vending machine.

27 Section 218-A. Combinations Sales; Inducements.--(a) In all
28 advertisements, offers for sale or sales involving two or more
29 items, at least one of which items is cigarettes, at a combined
30 price and in all advertisements, offers for sale or sales

1 involving the giving of any gift or concession of any kind
2 whatsoever, whether it be coupons or otherwise, the portion of
3 the dealer's combined selling price relating to cigarettes shall
4 not be below the cost of the stamper, cost of the retailer or
5 cost of the wholesaler, as the case may be. Other merchandise
6 offered for sale as a tie-in with the cigarettes shall not be
7 sold at less than the cost of the other merchandise nor shall
8 the gift or concession of the other items advertised or offered
9 for sale be used as an inducement to purchase cigarettes nor
10 shall any payment, openly or in secret, of any rebates, refunds,
11 commission or unearned discounts, whether in the form of money
12 or otherwise, or secret extensions to certain purchasers of
13 special services or privileges not extended to all purchasers
14 upon like terms and conditions be made or offered as an
15 inducement to purchase cigarettes.

16 (b) A vending machine operator may not dispense cigarettes
17 and candy from the same vending machine.

18 Section 2. This act shall take effect in 60 days.