

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1113 Session of
1995

INTRODUCED BY L. I. COHEN, BELARDI, COLAFELLA, MELIO, BARD,
RUBLEY, J. TAYLOR, MICHLOVIC, PETRARCA, JOSEPHS, ARMSTRONG,
YOUNGBLOOD, TRUE, E. Z. TAYLOR, BATTISTO AND TRELLO,
MARCH 9, 1995

REFERRED TO COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT,
MARCH 9, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the sale of
3 tobacco to minors.

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

6 Section 1. Section 6305 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6305. Sale of tobacco.

9 (a) Offense defined.--A person is guilty of a summary
10 offense if he:

11 (1) sells tobacco, in any form, to any minor under the
12 age of 18 years;

13 (2) by purchase, gift or other means, furnishes tobacco,
14 in any form, to a minor under the age of 18 years; [or]

15 (3) knowingly and falsely represents himself to be 18
16 years of age or older to another for the purpose of procuring
17 or having furnished to him tobacco in any form[.]; or

1 (4) maintains a vending machine that dispenses tobacco
2 in any form and is accessible to any minor.

3 (a.1) Warning signs required.--

4 (1) Any person who sells or offers to sell tobacco in
5 any form shall display a warning sign, as specified in
6 paragraph (2), at each retail sales counter or on each
7 vending machine.

8 (2) The warning sign required by paragraph (1) shall be
9 displayed at all times in a prominent place on the retail
10 sales counter or vending machine. Each letter of the wording
11 of the sign shall have a minimum height of one inch. The
12 warning sign shall read as follows:

13 IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR
14 OTHER TOBACCO PRODUCTS TO BE SOLD TO A MINOR.

15 (3) A violation of this subsection is a summary offense.

16 (b) Penalty.--A person who violates this section shall, upon
17 conviction, be sentenced to pay a fine of not less than \$25 for
18 a first offense and not less than \$100 for a subsequent offense.

19 (c) Defense.--It shall be an affirmative defense to a
20 prosecution for an offense under this section that the person
21 selling or otherwise furnishing the tobacco product was
22 presented with and reasonably relied upon an identification card
23 which identified the person purchasing or otherwise receiving
24 the tobacco product as being an adult.

25 (d) Exception.--Notwithstanding the provisions of subsection
26 (a)(4), a person who maintains a vending machine is not in
27 violation of this section if the vending machine is in a place
28 where minors are not permitted access either by law or by policy
29 of the owner of the establishment in which the vending machine
30 is located, unless accompanied by a parent, legal guardian or

1 spouse.

2 (e) Municipal ordinances.--Nothing in this section shall be
3 construed to prohibit a municipality from enacting an ordinance
4 which further restricts the location of or bans vending machines
5 that dispense cigarettes or other tobacco products.

6 (f) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "Identification card." A driver's license, a Department of
10 Transportation nondriver's identification card or a card issued
11 by the Pennsylvania Liquor Control Board for the purpose of
12 identifying a person desiring liquor or malt or brewed beverages
13 or a card which falsely purports to be any of the foregoing.

14 "Person who maintains a vending machine." A person who owns
15 a vending machine or controls the establishment in which the
16 vending machine is located.

17 Section 2. Title 18 is amended by adding a section to read:
18 § 7328. Certain combination vending machines prohibited.

19 (a) General rule.--It shall be unlawful for any person to
20 maintain for public access any vending machine which dispenses
21 both candy and cigarettes.

22 (b) Grading.--A violation of this section constitutes a
23 misdemeanor of the third degree.

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