

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2918 Session of
1998

INTRODUCED BY MAITLAND, CORRIGAN, THOMAS, PLATTS, YOUNGBLOOD,
E. Z. TAYLOR, LaGROTTA, HARHAI AND BATTISTO,
NOVEMBER 10, 1998

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 10, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting possession of certain
3 tobacco paraphernalia by minors.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6306.2. Possession of tobacco paraphernalia.

9 (a) Offense defined.--A person under 18 years of age who
10 possesses tobacco paraphernalia commits a summary offense.

11 (b) Grading.--A person who commits an offense under
12 subsection (a) shall, upon conviction, be sentenced to pay a
13 fine of \$150. Any tobacco paraphernalia possessed in violation
14 of subsection (a) shall be subject to immediate forfeiture to
15 the Commonwealth and no property right shall exist therein.

16 (c) Nature of offense.--A summary offense under subsection
17 (a) shall not be a criminal offense of record and shall not be
18 reportable as a criminal act. No government or law enforcement

1 agency or any agent thereof shall keep a record which would
2 include the name, age, sex or other information which might
3 identify an individual convicted of an offense under subsection
4 (a) once the appeals period for that conviction has ended.

5 (d) Other penalties.--Prosecution or conviction under
6 subsection (a) shall not constitute a bar to prosecution under
7 any other applicable section of this title or under any other
8 act.

9 (e) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Controlled substance." As defined in the act of April 14,
13 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
14 Device and Cosmetic Act.

15 "Tobacco paraphernalia." Objects used, intended for use or
16 designed for use in ingesting, inhaling or otherwise introducing
17 tobacco, marijuana, cocaine, hashish or hashish oil into the
18 human body, such as:

19 (1) Metal, wooden, acrylic, glass, stone, plastic or
20 ceramic pipes with or without screens, permanent screens,
21 hashish heads or punctured metal bowls.

22 (2) Water pipes.

23 (3) Carburetion tubes and devices.

24 (4) Smoking and carburetion masks.

25 (5) Chamber pipes.

26 (6) Carburetor pipes.

27 (7) Electric pipes.

28 (8) Air-driven pipes.

29 (9) Chillums.

30 (10) Bongs.

1 (11) Ice pipes or chillers.

2 (12) Tobacco or tobacco rolling papers.

3 (13) Lighted or unlighted cigarettes, cigars or
4 cigarillos.

5 (14) Smokeless tobacco in any form.

6 In determining whether an object is tobacco paraphernalia, a
7 court or other authority shall consider, in addition to all
8 other logically relevant factors, statements by an owner or by
9 anyone in control of the object concerning its use; prior
10 convictions, if any, of an owner or of anyone in control of the
11 object, under any Federal or State law relating to tobacco or
12 any controlled substance; the proximity of the object to any
13 tobacco or controlled substance; the existence of any residue of
14 tobacco or controlled substance on the object; instructions,
15 oral or written, provided with the object concerning its use;
16 descriptive materials accompanying the object which explain or
17 depict its use; national and local advertising concerning its
18 use; the existence and scope of legitimate uses for the object
19 in the community; and expert testimony concerning its use.

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