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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2561 Session of  
2012

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INTRODUCED BY FRANKEL, CALTAGIRONE, COHEN, D. COSTA, FREEMAN,  
JAMES, JOSEPHS, MUNDY AND NEILSON, JULY 31, 2012

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JULY 31, 2012

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AN ACT

1 Amending the act of June 13, 2008 (P.L.182, No.27), entitled "An  
2 act regulating smoking in this Commonwealth; imposing powers  
3 and duties on the Department of Health and local boards of  
4 health; providing penalties; preempting local action; and  
5 making a related repeal," repealing provisions relating to  
6 preemption of local ordinances; and providing for  
7 construction of act.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 11 of the act of June 13, 2008 (P.L.182,  
11 No.27), known as the Clean Indoor Air Act, is repealed:

12 [Section 11. Preemption of local ordinances.

13 (a) General rule.--Except as set forth in subsection (b),  
14 the following apply:

15 (1) This act shall supersede any ordinance, resolution  
16 or regulation adopted by a political subdivision concerning  
17 smoking in a public place.

18 (2) No political subdivision shall have the authority to  
19 adopt or enforce any ordinance, regulation or resolution  
20 which is in conflict with this act.

1 (b) Exception.--Subsection (a) shall not apply to a city of  
2 the first class. A city of the first class may not change or  
3 amend its ordinance to conflict with any provision of this act.]

4 Section 2. The act is amended by adding a section to read:

5 Section 28. Construction of act.

6 This act may not be construed to restrict the power of a  
7 political subdivision to adopt and enforce a rule or ordinance  
8 that complies with the minimum applicable standards set forth in  
9 this act.

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