
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 905 Session of
1991

INTRODUCED BY SAURMAN, ARMSTRONG, SALOOM, REBER, COWELL, GRUPPO,
M. N. WRIGHT, HAYDEN, CLYMER, BATTISTO, FOX, TANGRETTI,
LAWLESS, HASAY, GEIST, BELARDI, COLAIZZO, JOSEPHS, STEELMAN,
VEON, CIVERA, E. Z. TAYLOR, LINTON AND HARPER, APRIL 2, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 2, 1991

AN ACT

1 Prohibiting smoking in certain facilities licensed or registered
2 by the Commonwealth of Pennsylvania.

3 The General Assembly finds that the United States Surgeon
4 General has concluded that scientific evidence is sufficient to
5 prove that tobacco smoke inhaled passively by nonsmokers can be
6 a serious health threat. Two groups particularly susceptible and
7 least able to avoid involuntary exposure to tobacco smoke are
8 children and the elderly. Children with parents who smoke suffer
9 more respiratory problems than children of nonsmokers. The
10 elderly have a higher incidence of respiratory and
11 cardiovascular disease and are more susceptible to the harmful
12 effects of passive tobacco smoke.

13 It is therefore the purpose of this act to protect young
14 children and the elderly, to the extent possible, from the
15 harmful effects of passive tobacco smoke and the additional fire
16 hazard created by smoking.

17 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Institutional
4 Clean Air Act.

5 Section 2. Definitions.

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

9 "Child day-care center." Any premises operated for profit in
10 which child day care is provided for seven or more children who
11 are not relatives of the operator.

12 "Nursery school or private kindergarten." Any private
13 facility which provides training in intellectual, emotional,
14 physical and social skills for five or more children who are
15 three to six years of age.

16 "Nursing home." Skilled or intermediate care facility
17 licensed by the Commonwealth of Pennsylvania to provide nursing
18 care and related medical or health services for individuals who
19 are not acutely ill, but who, due to age, illness, disease,
20 injury, convalescence or other infirmity, need such care.

21 Section 3. Powers and duties of departments.

22 (a) Nursing homes.--The Department of Health shall not
23 license any nursing home that has not prohibited smoking in the
24 facility, with the exception of separated, designated,
25 supervised areas. Supervision must be by a staff member or
26 responsible resident designated by the administration.

27 (b) Child day-care centers.--The Department of Public
28 Welfare shall not license any child day-care center that has not
29 prohibited smoking in the facility during the hours that
30 children are present. Smoking areas may not be designated when

1 children are present.

2 (c) Nursery schools.--The Department of Education shall not
3 license any nursery school or private kindergarten in this
4 Commonwealth that has not prohibited smoking in the facility
5 during the hours that children are present. Smoking areas may
6 not be designated when children are present.

7 (d) Other facilities.--In addition to the facilities named
8 in subsections (a), (b) and (c), the respective departments
9 shall not license any other facilities which provide services
10 for children under six years of age, unless the smoking
11 prohibition requirements of this act are met.

12 Section 4. Facilities presently licensed.

13 Facilities described in this act shall have 90 days to comply
14 with the nonsmoking provisions established by this act, unless
15 the smoking prohibition requirements of this act are met.

16 Section 5. Smoking prohibited.

17 (a) General rule.--Smoking is prohibited in any licensed
18 facility as described in section 3.

19 (b) Penalty.--A violation of subsection (a) constitutes a
20 summary offense punishable by a fine of \$50 for a first offense
21 and \$100 for a second and subsequent offense.

22 Section 6. Effective date.

23 This act shall take effect in 90 days.