

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1833 Session of
1993

INTRODUCED BY L. I. COHEN, KING, STEELMAN, BAKER, ARMSTRONG,
TRUE, E. Z. TAYLOR, TRELLO, RUBLEY AND PLATTS, JUNE 21, 1993

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 1993

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

18 (4) maintains a vending machine that dispenses tobacco

1 in any form and is accessible to any minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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