

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2770 Session of
2008

INTRODUCED BY LONGIETTI, SAINATO, DeWEESE, HARKINS, BELFANTI,
BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CASORIO, HARHAI,
HORNAMAN, KORTZ, KOTIK, KULA, MARKOSEK, PASHINSKI, PETRARCA,
PYLE, READSHAW, REICHLEY, SEIP, SIPTROTH, SOLOBAY, STABACK,
R. STEVENSON, SURRA, J. WHITE AND BROOKS, SEPTEMBER 18, 2008

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
SEPTEMBER 18, 2008

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," further defining "drinking
6 establishment."

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

9 Section 1. The definition of "drinking establishment" in
10 section 2 of the act of June 13, 2008 (P.L.182, No.27), known as
11 the Clean Indoor Air Act, is amended to read:

12 Section 2. Definitions.

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

16 * * *

17 "Drinking establishment." Any of the following:

18 (1) An establishment which:

1 (i) operates pursuant to an eating place retail
2 dispenser's license, restaurant liquor license or retail
3 dispenser's license under the act of April 12, 1951
4 (P.L.90, No.21), known as the Liquor Code;

5 (ii) has total annual sales of food sold for on-
6 premises consumption of less than or equal to 20% of the
7 combined gross sales of the establishment; and

8 (iii) does not permit individuals under 18 years of
9 age.

10 (2) An enclosed area within an establishment which, on
11 the effective date of this section:

12 (i) operates pursuant to an eating place retail
13 dispenser's license, restaurant liquor license [or],
14 retail dispenser's license, club license or catering club
15 license under the Liquor Code;

16 (ii) is a physically connected or directly adjacent
17 enclosed area which is separate from the eating area, has
18 a separate air system and has a separate outside
19 entrance;

20 (iii) has total annual sales of food sold for on-
21 premises consumption of less than or equal to 20% of the
22 combined gross sales within the permitted smoking area of
23 the establishment; and

24 (iv) does not permit individuals under 18 years of
25 age.

26 The term does not include a nightclub.

27 * * *

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