

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 412 Session of 2011

INTRODUCED BY SCHRODER, BAKER, BOYD, DAY, FLECK, FRANKEL,  
FREEMAN, GINGRICH, HAHN, HUTCHINSON, KAUFFMAN, MURT, ROAE,  
STERN, SWANGER, TALLMAN, VITALI AND WATERS, FEBRUARY 2, 2011

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 2, 2011

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 providing for prohibitions.

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

8 Section 1. Section 3(b)(11) of the act of June 13, 2008  
9 (P.L.182, No.27), known as the Clean Indoor Air Act, is  
10 repealed:

11 Section 3. Prohibition.

12 \* \* \*

13 (b) Exceptions.--Subsection (a) shall not apply to any of  
14 the following:

15 \* \* \*

16 [(11) Unless otherwise increased under this paragraph,  
17 25% of the gaming floor at a licensed facility. No earlier  
18 than 90 days following the effective date of this section or  
19 the date of commencement of slot machine operations at a

1 licensed facility, whichever is later, a licensed facility  
2 shall request a report from the Department of Revenue that  
3 analyzes the gross terminal revenue per slot machine unit in  
4 operation at the licensed facility within the 90-day period  
5 preceding the request. If the report shows that the average  
6 gross terminal revenue per slot machine unit in the  
7 designated smoking area equals or exceeds the average gross  
8 terminal revenue per slot machine unit in the designated  
9 nonsmoking area, the licensed facility may increase the  
10 designated smoking area of the gaming floor in proportion to  
11 the percentage difference in revenue. A licensed facility may  
12 request this report from the Department of Revenue on a  
13 quarterly basis and may increase the designated smoking area  
14 of the gaming floor accordingly. At no time may the  
15 designated smoking area exceed 50% of the gaming floor. The  
16 board shall have jurisdiction to verify the gross terminal  
17 revenues included in the report to ensure compliance with the  
18 requirements under this paragraph. Movement of the licensed  
19 facility from a temporary facility to a permanent facility  
20 shall not require the licensed facility to revert to the  
21 minimum percentage set forth under this paragraph.]

22 \* \* \*

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