

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1816 Session of
1975

INTRODUCED BY DiCARLO, LINCOLN, ZELLER, ZWIKL, TOLL,
A. P. KELLY AND GARZIA, OCTOBER 2, 1975

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 2, 1975

AN ACT

1 Providing for the regulation of smoking in public places and at
2 public meetings, and providing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short Title.--This act shall be known and may be
6 cited as the "Smoking Regulation Act."

7 Section 2. Definitions.--As used in this act:

8 "Public meeting" means a meeting open to the public.

9 "Public place" means any enclosed, indoor area used by the
10 general public or serving as a place of work, including, but not
11 limited to, restaurants, retail stores, offices and other
12 commercial establishments, public conveyances, educational
13 facilities, hospitals, nursing homes, auditoriums, arenas and
14 meeting rooms. It shall not include enclosed areas occupied
15 exclusively by smokers even though such areas may be visited by
16 nonsmokers.

17 Section 3. Police Power.--The Commonwealth of Pennsylvania
18 declares the passage of this act to be a valid exercise of its

1 police powers to protect the right of the nonsmoking public to
2 be free from the discomfort of smoke in public places and at
3 public meetings.

4 Section 4. Prohibitions.--No person shall smoke in a public
5 place or at a public meeting except in designated smoking areas.
6 This prohibition shall not apply in cases where an entire room
7 or hall is used for a private social function and seating
8 arrangements are under the control of the sponsor of the
9 function and not under the control of the proprietor or person
10 in charge of the place. This prohibition shall not apply to
11 factories, warehouses and similar places of work not usually
12 frequented by the general public, except that the Department of
13 Labor and Industry shall establish rules to restrict or prohibit
14 smoking in those places of work where the close proximity of
15 workers or the inadequacy of ventilation causes smoke pollution
16 detrimental to the health and comfort of nonsmoking employees.

17 Section 5. Inclusion.--Smoking includes a carrying a lighted
18 cigar, cigarette, pipe, or any other lighted smoking equipment.

19 Section 6. Designation of Smoking Areas.--(a) Smoking areas
20 shall be designated by proprietors or other persons in charge of
21 public places, except where smoking is prohibited by the fire
22 marshal or by other law, ordinance or regulation.

23 (b) Where smoking areas are designated, existing physical
24 barriers and ventilation systems shall be used to minimize the
25 toxic effect of smoke in adjacent nonsmoking areas. When a
26 public place consists of a single room, the provisions of this
27 law shall be considered met if one side of the room is reserved
28 and posted as a no-smoking area. No public place other than a
29 bar shall be designated as a smoking area in its entirety. When
30 a bar is designated as a smoking area in its entirety, this

1 designation shall be posted conspicuously on all entrances
2 normally used by the public.

3 Section 7. Responsibilities of Proprietors.--The proprietor
4 or other person in charge of a public place shall make
5 reasonable efforts to prevent smoking in the public place by
6 posting appropriate signs, arranging seating to provide a smoke-
7 free area, asking smokers to refrain from smoking upon request
8 of a client or employee suffering discomfort from the smoke.

9 Section 8. Penalty.--A person violating the provisions of
10 this act shall be guilty of a summary offense.

11 Section 9. Effective Date.--This act shall take effect in 60
12 days.