

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1375 Session of  
2001

INTRODUCED BY SCHRODER, CAWLEY, BROWNE, CIVERA, L. I. COHEN,  
COLEMAN, CORRIGAN, DALLY, FEESE, GEIST, GORDNER, GRUCELA,  
HENNESSEY, HORSEY, MACKERETH, MAITLAND, MAJOR, MELIO,  
S. MILLER, PIPPY, PISTELLA, ROSS, RUBLEY, SAYLOR, STEELMAN,  
STEIL, SURRA, E. Z. TAYLOR, TRICH, WANSACZ, WATSON, WOGAN,  
YOUNGBLOOD AND YUDICHAK, APRIL 23, 2001

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of the purchase,  
3 consumption, possession or transportation of tobacco.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6308.1. Purchase, consumption, possession or transportation  
9 of tobacco.

10 (a) Offense defined.--A person commits a summary offense if  
11 he, being less than 18 years of age, attempts to purchase,  
12 purchases, consumes, possesses or knowingly and intentionally  
13 transports any tobacco product, as defined in section 6310.6  
14 (relating to definitions).

15 (b) Penalty.--In addition to the penalty imposed under  
16 section 6310.4 (relating to restriction of operating

1 privileges), a person convicted of violating subsection (a)  
2 shall be sentenced to pay a fine of not less than \$50 for a  
3 first violation and a fine of not less than \$200 for a second  
4 and each subsequent violation.

5 (c) Preadjudication disposition.--

6 (1) When a person is charged with violating subsection  
7 (a), the district justice may admit the offender to the  
8 adjudication alternative program as authorized in 42 Pa.C.S.  
9 § 1520 (relating to adjudication alternative program) or any  
10 other preadjudication disposition if the offender has not  
11 previously received a preadjudication disposition for  
12 violating subsection (a).

13 (2) The use of a preadjudication disposition shall be  
14 considered a first or subsequent offense, whichever is  
15 applicable, for the purpose of further adjudication under  
16 this section or under section 6310.4.

17 (d) Notification.--The police department making an arrest  
18 for a suspected violation of subsection (a) shall notify the  
19 parents or guardian of the minor charged.

20 (e) Record of violation.--A violation of this section shall  
21 not be a criminal offense of record or reportable as a criminal  
22 act.

23 Section 2. Section 6310.4 of Title 18 is amended to read:

24 § 6310.4. Restriction of operating privileges.

25 (a) General rule.--Whenever a person is convicted or is  
26 adjudicated delinquent or is admitted to any preadjudication  
27 program for a violation of section 6307 (relating to  
28 misrepresentation of age to secure liquor or malt or brewed  
29 beverages), 6308 (relating to purchase, consumption, possession  
30 or transportation of liquor or malt or brewed beverages), 6308.1

1 (relating to purchase, consumption, possession or transportation  
2 of tobacco) or 6310.3 (relating to carrying a false  
3 identification card), the court, including a court not of record  
4 if it is exercising jurisdiction pursuant to 42 Pa.C.S. §  
5 1515(a) (relating to jurisdiction and venue), shall order the  
6 operating privilege of the person suspended. A copy of the order  
7 shall be transmitted to the Department of Transportation.

8 \* \* \*

9 Section 3. Section 6310.6 of Title 18 is amended by adding a  
10 definition to read:

11 § 6310.6. Definitions.

12 The following words and phrases when used in sections 6307  
13 (relating to misrepresentation of age to secure liquor or malt  
14 or brewed beverages) through 6310.3 (relating to carrying a  
15 false identification card) shall have the meanings given to them  
16 in this section unless the context clearly indicates otherwise:

17 \* \* \*

18 "Tobacco." A lighted or unlighted cigarette, cigar, pipe or  
19 other lighted smoking product and smokeless tobacco in any form.

20 Section 4. Section 6313 of Title 18 is amended to read:

21 § 6313. Special information.

22 (a) General rule.--At the time of conviction or admission to  
23 a preadjudication disposition for a violation of section 6307  
24 (relating to misrepresentation of age to secure liquor or malt  
25 or brewed beverages), 6308 (relating to purchase, consumption,  
26 possession or transportation of liquor or malt or brewed  
27 beverages), 6308.1 (relating to purchase, consumption,  
28 possession or transportation of tobacco) or 6310.3 (relating to  
29 carrying a false identification card), the court shall provide  
30 to the Department of Transportation, in such form as prescribed

1 by the department, the name of the offender, the offender's date  
2 of birth, the disposition of the case and the duration of any  
3 license suspension.

4 (b) Availability.--Information under this section shall be  
5 available to law enforcement agencies and the judicial system  
6 for the purpose of determining whether the offender has a prior  
7 record of violation of the offenses listed in subsection (a).

8 Section 5. This act shall take effect in 60 days.