

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2773 Session of
2008

INTRODUCED BY WAGNER, BENNINGTON, COSTA, DeLUCA, DERMODY,
FRANKEL, M. SMITH, WALKO AND J. WHITE, SEPTEMBER 19, 2008

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
SEPTEMBER 19, 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 providing for preemption of
6 local ordinances.

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

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

11 Section 11. Preemption of local ordinances.

12 (a) General rule.--Except as set forth in subsection (b),
13 the following apply:

14 (1) This act shall supersede any ordinance, resolution
15 or regulation adopted by a political subdivision concerning
16 smoking in a public place.

17 (2) No political subdivision shall have the authority to
18 adopt or enforce any ordinance, regulation or resolution
19 which is in conflict with this act.

(b) [Exception] Exceptions.--

(1) Subsection (a) shall not apply to a city of the first class. A city of the first class may not change or amend its ordinance to conflict with any provision of this act.

(2) Subsection (a) shall not apply to a county of the second class. A county of the second class may, within 90 days of the effective date of this paragraph, adopt an ordinance relating to the regulation of smoking within the county of the second class, and may during and after that time period change or amend the ordinance, provided that the ordinance and any change or amendment thereto does not conflict with any provision of this act.

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

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(b) [Exception] Exceptions.--

(1) Subsection (a) shall not apply to a city of the first class. A city of the first class may not change or amend its ordinance to conflict with any provision of this act.

(2) Subsection (a) shall not apply to a county of the second class. A county of the second class may, within 90 days of the effective date of this paragraph, adopt an

1 ordinance relating to the regulation of smoking within the
2 county of the second class, and may during and after that
3 time period change or amend the ordinance, provided that the
4 ordinance and any change or amendment thereto does not
5 conflict with any provision of this act.

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