

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2561 Session of  
2012

INTRODUCED BY FRANKEL, CALTAGIRONE, COHEN, D. COSTA, FREEMAN,  
JAMES, JOSEPHS, MUNDY AND NEILSON, JULY 31, 2012

REFERRED TO COMMITTEE ON HUMAN SERVICES, JULY 31, 2012

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," repealing provisions relating to  
6 preemption of local ordinances; and providing for  
7 construction of act.

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

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11 No.27), known as the Clean Indoor Air Act, is repealed:

12 [Section 11. Preemption of local ordinances.

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

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

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

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

4 Section 2. The act is amended by adding a section to read:

5 Section 28. Construction of act.

6 This act may not be construed to restrict the power of a  
7 political subdivision to adopt and enforce a rule or ordinance  
8 that complies with the minimum applicable standards set forth in  
9 this act.

10 Section 3. This act shall take effect in 60 days.