



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 97

PRINTERS NO. 2890

PRIME SPONSOR: Rapp

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	\$0

SUMMARY:

House Bill 97, Printer's Number 2890 amends Sections 6305 (Sale of tobacco products) and 6306.1 (Use of tobacco products in schools prohibited) of Title 18 (Crimes and Offenses) by prohibiting the sale, purchase or use of tobacco by minors or pupils in schools. Title 53 (Municipality Generally), Section 301 (Tobacco product) title is amended.

ANALYSIS:

HB 97 amends the Crimes Code, Section 6305 by adding the following definitions to Section 6305 (k), "Electronic cigarette", "Nicotine products or ENDS"; and "Nicotine product." Section 6305 further amends the definitions of "Tobacco product" and "Tobacco vending machine."

Section 6306.1 is amended to provide that a pupil commits a summary offense if they possess or use of tobacco product in a school building, a school bus, or other vehicle owned by, leased by or under the control of a school district; or on school property owned by, leased by or under the control of a school district. Any other person, other than a pupil, commits a summary offense if they possess or use of tobacco products in a school building, on a school bus, or other vehicle owned by, leased by or under the control of a school district; or on the school property owned by, leased by or under the control of a school district.

The board of school directors may designate certain areas on the property owned by, leased by or under the control of the school district where tobacco product use by person other than pupils is permitted. The board of school directors will establish a policy to enforce the prohibition of tobacco product use and the board will notify employees, pupil and parents of the policy.

The section is further amended by adding the definitions of "Electronic cigarette," "Electronic nicotine delivery system" or "ENDS," and "Nicotine product." The definition of "School" is amended "Tobacco product" is updated.

Title 53, Section 301 title is amended to ensure statutory references are consistent.

Section 3.5 of the Fire and Panic Act (P.L. 465, No. 299) is repealed.

This legislation will take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

A violation Title 18, Section 6305 and 6306.1 would result in an individual being charged with a summary offense, with penalties/fines outlined in Section 6305(b) and 6306.1 (b).

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House Appropriations Committee (R)

DATE: November 21, 2019

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.