

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1172 Session of  
2004

INTRODUCED BY C. WILLIAMS, FUMO, KITCHEN, WAGNER, MUSTO,  
TARTAGLIONE, SCHWARTZ, COSTA, RAFFERTY, BOSCOLA, TOMLINSON,  
FERLO, ARMSTRONG AND O'PAKE, JUNE 22, 2004

REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 22, 2004

AN ACT

1 Prohibiting the use of tobacco on child-care facility property;  
2 and providing for enforcement.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Tobacco Use  
7 on Child-care Facility Property Law.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Child-care facility" or "facility." Any of the following:

13 (1) Child day-care center.

14 (2) Family day-care home.

15 "Child day care." Care in lieu of parental care given for  
16 part of a 24-hour day to a child under 16 years of age away from  
17 the child's home. The term does not include care in lieu of

1 parental care given to a child under 16 years of age in a place  
2 of worship during religious services.

3 "Child day-care center." Any premises in which child day  
4 care is provided simultaneously for seven or more children who  
5 are not relatives of the provider, regardless of which article  
6 of the act of June 13, 1967 (P.L.31, No.21), known as the Public  
7 Welfare Code, applies to it.

8 "Department." The Department of Public Welfare of the  
9 Commonwealth.

10 "Family child day-care home." A home in which child day care  
11 is provided at any one time to four, five or six children who  
12 are not relatives of the provider of the child day care and  
13 which is required to be registered under the act of June 13,  
14 1967 (P.L.31, No.21), known as the Public Welfare Code.

15 "Person." A natural person.

16 "Tobacco product." A substance that contains tobacco,  
17 including, but not limited to, cigarettes, cigars, pipes, snuff,  
18 smoking tobacco and smokeless tobacco.

#### 19 Section 3. Prohibition.

20 (a) General rule.--Except as provided in subsection (b), a  
21 person may not use a tobacco product on child-care facility  
22 property.

23 (b) Exception.--In the case of family day-care homes, the  
24 prohibition under subsection (a) shall apply only during the  
25 time when children are in care or when food is being prepared.

#### 26 Section 4. Enforcement.

27 The department shall enforce the provisions of this act. A  
28 child-care facility that violates this act is subject to  
29 suspension or revocation of its license or registration in  
30 accordance with department procedures.

1 Section 5. Regulation.

2 The department shall promulgate regulations to administer  
3 this act.

4 Section 6. Effective date.

5 This act shall take effect in 60 days.