

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1564 Session of
2005

INTRODUCED BY BISHOP, CALTAGIRONE, RUBLEY, PHILLIPS, BOYD,
TIGUE, PISTELLA, LEACH, CREIGHTON, BLACKWELL, YOUNGBLOOD AND
JAMES, MAY 10, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MAY 10, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 72 (Taxation and
2 Fiscal Affairs) of the Pennsylvania Consolidated Statutes,
3 prohibiting use of tobacco in institutions where children
4 reside.

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

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

9 § 6306.2. Use of tobacco in institutions housing minors
10 prohibited.

11 (a) Offense defined.--An individual who possesses or uses
12 tobacco in a children's institution commits a summary offense.

13 (b) Grading.--An individual who violates subsection (a)
14 commits an offense.

15 (c) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Children's institution." An institution:

1 (1) which receives direct or indirect funding from the
2 Commonwealth; and

3 (2) at which a minor under the age of 18 resides without
4 a parent or guardian.

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

7 Section 2. Title 72 is amended by adding a chapter to read:

8 CHAPTER 3

9 BUDGETARY MATTERS

10 Sec.

11 301. Tobacco violations.

12 § 301. Tobacco violations.

13 (a) Consideration.--The General Assembly shall consider
14 enforcement of 18 Pa.C.S. § 6306.2 (relating to use of tobacco
15 in institutions housing minors prohibited) when making
16 appropriations to the following:

17 (1) A Commonwealth agency which operates or regulates a
18 children's institution.

19 (2) A children's institution.

20 (b) Definition.--As used in this section, the term
21 "children's institution" has the meaning given in 18 Pa.C.S. §
22 6306.2(c).

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