

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1760 Session of
2007

INTRODUCED BY WANSACZ AND SHIMKUS, JULY 17, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JULY 17, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sale of tobacco.

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

5 Section 1. Section 6305(a.1), (b) and (f)(3) of Title 18 of
6 the Pennsylvania Consolidated Statutes are amended to read:

7 § 6305. Sale of tobacco.

8 * * *

9 (a.1) Purchase.--A minor is guilty of a summary offense if
10 the minor:

11 (1) purchases or attempts to purchase a tobacco product;

12 [or]

13 (1.1) possesses or uses a tobacco product; or

14 (2) knowingly falsely represents himself to be at least
15 18 years of age to a person for the purpose of purchasing or
16 receiving a tobacco product.

17 (b) Penalty.--

1 (1) Except as set forth in paragraph (2), a person that
2 violates subsection (a) shall be sentenced as follows:

3 (i) for a first offense, to pay a fine of not less
4 than \$100 nor more than \$250;

5 (ii) for a second offense, to pay a fine of not less
6 than \$250 nor more than \$500; or

7 (iii) for a third or subsequent offense, to pay a
8 fine of not less than \$500 nor more than \$1,000.

9 (2) A retailer that violates subsection (a) shall be
10 sentenced as follows:

11 (i) for a first offense, to pay a fine of not less
12 than \$100 nor more than \$500;

13 (ii) for a second offense, to pay a fine of not less
14 than \$500 nor more than \$1,000;

15 (iii) for a third offense, to pay a fine of not less
16 than \$1,000 nor more than \$3,000; or

17 (iv) for a fourth or subsequent offense, to pay a
18 fine of not less than \$3,000 nor more than \$5,000.

19 (3) A minor who violates subsection (a.1)(1) or (2)
20 shall be sentenced to any or all of the following:

21 (i) not more than 75 hours of community service;

22 (ii) complete a tobacco use prevention and cessation
23 program approved by the Department of Health;

24 (iii) a fine not to exceed \$200; or

25 (iv) a 30-day suspension of motor vehicle operating
26 privileges.

27 (4) A minor who violates subsection (a.1)(1.1) shall:

28 (i) for a first offense, be issued a written warning
29 by a police officer who shall file a copy of the warning
30 with the appropriate issuing authority;

1 (ii) for a second offense, be sentenced to not more
2 than 75 hours of community service;

3 (iii) for a third offense, be sentenced to complete
4 a tobacco use prevention and cessation program approved
5 by the Department of Health; or

6 (iv) for a fourth or subsequent offense, be
7 sentenced to pay a fine of not more than \$100.

8 * * *

9 (f) Exceptions.--

10 * * *

11 (3) It is not a violation of subsection (a.1)(1) or
12 (1.1) for a minor to purchase [or], attempt to purchase or
13 possess a tobacco product if all of the following apply:

14 (i) The minor is at least 14 years of age.

15 (ii) The minor is an employee, volunteer or an
16 intern with:

17 (A) a State or local law enforcement agency;

18 (B) the Department of Health or a primary
19 contractor pursuant to Chapter 7 of the act of June
20 26, 2001 (P.L.755, No.77), known as the Tobacco
21 Settlement Act;

22 (C) a single county authority created pursuant
23 to the act of April 14, 1972 (P.L.221, No.63), known
24 as the Pennsylvania Drug and Alcohol Abuse Control
25 Act;

26 (D) a county or municipal health department; or

27 (E) a retailer.

28 (iii) The minor is acting within the scope of
29 assigned duties as part of an authorized investigation,
30 compliance check under subsection (g) or retailer-

1 organized self-compliance check.

2 (iv) A minor shall not use or consume a tobacco
3 product.

4 * * *

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