

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2765 Session of  
2008

INTRODUCED BY FRANKEL, BENNINGTON, CLYMER, CURRY, HARKINS,  
HORNAMAN, JOSEPHS, LENTZ, PYLE, SAYLOR, M. SMITH, SWANGER,  
VITALI, WALKO AND J. WHITE, SEPTEMBER 23, 2008

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
SEPTEMBER 23, 2008

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.

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

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10 No.27), known as the Clean Indoor Air Act, is repealed:

11 [Section 11. Preemption of local ordinances.

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

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

17 (2) No political subdivision shall have the authority to  
18 adopt or enforce any ordinance, regulation or resolution  
19 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. This act shall take effect in 60 days.