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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1628 Session of  
2015

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INTRODUCED BY V. BROWN, THOMAS, COHEN AND DAVIDSON,  
OCTOBER 19, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 19, 2015

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AN ACT

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

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

6 Section 1. Section 6305(a)(1), (2) and (4), (a.1), (b)(3),  
7 (f)(3)(iii) and (iv) and (g)(2) of Title 18 of the Pennsylvania  
8 Consolidated Statutes are amended to read:

9 § 6305. Sale of tobacco.

10 (a) Offense defined.--Except as set forth in subsection (f),  
11 a person is guilty of a summary offense if the person:

12 (1) sells a tobacco product to [any minor] an individual  
13 under 21 years of age;

14 (2) furnishes, by purchase, gift or other means, a  
15 tobacco product to [a minor] an individual under 21 years of  
16 age;

17 (4) locates or places a tobacco vending machine  
18 containing a tobacco product in a location accessible to

1 [minors] an individual under 21 years of age;

2 \* \* \*

3 (a.1) Purchase.--[A minor] An individual under 21 years of  
4 age is guilty of a summary offense if the [minor] individual:

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

6 or

7 (2) knowingly falsely represents himself to be at least  
8 [18] 21 years of age to a person for the purpose of  
9 purchasing or receiving a tobacco product.

10 (b) Penalty.--

11 \* \* \*

12 (3) [A minor] An individual under 21 years of age who  
13 violates subsection (a.1) shall be sentenced to any or all of  
14 the following:

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

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

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

19 (iv) a 30-day suspension of motor vehicle operating  
20 privileges.

21 \* \* \*

22 (f) Exceptions.--

23 \* \* \*

24 (3) It is not a violation of subsection (a.1)(1) for a  
25 minor to purchase or attempt to purchase a tobacco product if  
26 all of the following apply:

27 \* \* \*

28 (iii) The [minor] individual under 21 years of age  
29 is acting within the scope of assigned duties as part of  
30 an authorized investigation, compliance check under

1 subsection (g) or retailer-organized self-compliance  
2 check.

3 (iv) [A minor] An individual under 21 years of age  
4 shall not use or consume a tobacco product.

5 (g) Compliance checks.--This subsection shall apply to  
6 compliance checks conducted by the Department of Health, a  
7 primary contractor pursuant to Chapter 7 of the Tobacco  
8 Settlement Act, a single county authority created pursuant to  
9 the Pennsylvania Drug and Alcohol Abuse Control Act or a county  
10 or municipal health department for the purpose of conducting  
11 retailer education, assessing compliance with Federal or State  
12 law and enforcing the provisions of this section. Compliance  
13 checks shall be conducted, at a minimum, in accordance with all  
14 of the following:

15 \* \* \*

16 (2) [A minor] An individual participating in a  
17 compliance check must be at least 14 years of age, complete a  
18 course of training approved by the Department of Health and  
19 furnish the Department of Health with a signed, written  
20 parental consent agreement allowing the minor to participate  
21 in the compliance check.

22 \* \* \*

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