
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 536 Session of
2019

INTRODUCED BY FLYNN, RABB, KINSEY, HILL-EVANS, FRANKEL, HOWARD,
DALEY, SCHMITT, MURT, PASHINSKI, SCHWEYER, STURLA AND
MULLINS, MARCH 1, 2019

REFERRED TO COMMITTEE ON HEALTH, MARCH 1, 2019

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) and (g)(2) of Title 18 of the Pennsylvania Consolidated
8 Statutes, amended October 24, 2018 (P.L.659, No.95), are amended
9 to read:

10 § 6305. Sale of tobacco.

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

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

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

18 (4) locates or places a tobacco vending machine

1 containing a tobacco product in a location accessible to
2 [minors] an individual under 21 years of age;

3 * * *

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

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

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

11 (b) Penalty.--

12 * * *

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

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

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

19 (iii) a fine not to exceed \$200.

20 * * *

21 (f) Exceptions.--

22 * * *

23 (3) It is not a violation of subsection (a.1)(1) for [a
24 minor] an individual under 21 years of age to purchase or
25 attempt to purchase a tobacco product if all of the following
26 apply:

27 (i) The [minor] individual is at least 14 years of
28 age.

29 (ii) The [minor] individual is an employee,
30 volunteer or an intern with:

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

2 (B) the Department of Health or a primary
3 contractor pursuant to Chapter 7 of the act of June
4 26, 2001 (P.L.755, No.77), known as the Tobacco
5 Settlement Act;

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

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

11 (E) a retailer.

12 (iii) The [minor] individual is acting within the
13 scope of assigned duties as part of an authorized
14 investigation, compliance check under subsection (g) or
15 retailer-organized self-compliance check.

16 (iv) [A minor shall not use or consume a] The
17 individual does not use or consume the tobacco product.

18 (g) Compliance checks.--This subsection shall apply to
19 compliance checks conducted by the Department of Health, a
20 primary contractor pursuant to Chapter 7 of the Tobacco
21 Settlement Act, a single county authority created pursuant to
22 the Pennsylvania Drug and Alcohol Abuse Control Act or a county
23 or municipal health department for the purpose of conducting
24 retailer education, assessing compliance with Federal or State
25 law and enforcing the provisions of this section. Compliance
26 checks shall be conducted, at a minimum, in accordance with all
27 of the following:

28 * * *

29 (2) [A minor] An individual under 21 years of age
30 participating in a compliance check must be at least 14 years

1 of age, complete a course of training approved by the
2 Department of Health and furnish the Department of Health
3 with a signed, written parental consent agreement allowing
4 the [minor] individual to participate in the compliance
5 check.

6 * * *

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