
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2660 Session of
2020

INTRODUCED BY DeLUCA, MURT AND KENYATTA, JULY 8, 2020

REFERRED TO COMMITTEE ON HEALTH, JULY 8, 2020

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," further providing for prohibition.

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

8 Section 1. Section 3(b)(11) of the act of June 13, 2008
9 (P.L.182, No.27), known as the Clean Indoor Air Act, is amended
10 to read:

11 Section 3. Prohibition.

12 * * *

13 (b) Exceptions.--Subsection (a) shall not apply to any of
14 the following:

15 * * *

16 (11) [Unless] As follows:

17 (i) Except as provided in subparagraph (ii), unless
18 otherwise increased under this paragraph, 25% of the
19 gaming floor at a licensed facility. No earlier than 90
20 days following the effective date of this section or the

1 date of commencement of slot machine operations at a
2 licensed facility, whichever is later, a licensed
3 facility shall request a report from the Department of
4 Revenue that analyzes the gross terminal revenue per slot
5 machine unit in operation at the licensed facility within
6 the 90-day period preceding the request. If the report
7 shows that the average gross terminal revenue per slot
8 machine unit in the designated smoking area equals or
9 exceeds the average gross terminal revenue per slot
10 machine unit in the designated nonsmoking area, the
11 licensed facility may increase the designated smoking
12 area of the gaming floor in proportion to the percentage
13 difference in revenue. A licensed facility may request
14 this report from the Department of Revenue on a quarterly
15 basis and may increase the designated smoking area of the
16 gaming floor accordingly. At no time may the designated
17 smoking area exceed 50% of the gaming floor. The board
18 shall have jurisdiction to verify the gross terminal
19 revenues included in the report to ensure compliance with
20 the requirements under this paragraph. Movement of the
21 licensed facility from a temporary facility to a
22 permanent facility shall not require the licensed
23 facility to revert to the minimum percentage set forth
24 under this paragraph.

25 (ii) The exception under subparagraph (i) shall not
26 apply for the duration of the proclamation of disaster
27 emergency issued by the Governor on March 6, 2020,
28 published at 50 Pa.B. 1644 (March 21, 2020), and any
29 renewal of the state of disaster emergency.

30 * * *

1 Section 2. This act shall take effect immediately.