



## Act 27 - Pennsylvania's Clean Indoor Air Act

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- The **Clean Indoor Air Act**<sup>1</sup> states that no person shall carry a lighted cigar, cigarette, pipe or other lighted smoking device in the any of the following locations:
  - All enclosed public places where the public is invited, including and not limited to:
    - Educational facilities
    - Health care related facilities
    - Mass transportation (train, subway, bus, chartered bus, plane, taxicab, limousine)
    - Train stations, subway stations, bus stations
    - Public facilities
    - Sports or recreational facilities
    - Theater or performance establishments
    - Restaurants
    - Nightclubs
    - Public meetings
    - Workplaces
  
- The law **exempts** the following places, permitting smoking in:
  - Private residences or vehicles, unless they are being used for child care, adult day care or services related to the care of children and youth in state or county custody
  - Twenty-five percent of the total number of sleeping quarters available for rent in a single lodging establishment
  - Full service truck stops (with shower facilities for fee)
  - Workplaces of any manufacturer, importer, wholesaler of tobacco products, including lighters, of any tobacco leaf dealer or processor and all tobacco storage facilities
  - Separate enclosed rooms or designated smoking rooms in a residential adult care facility, community mental health care facility, drug and alcohol facility, or other residential health care facilities and day treatment programs
  - Private clubs who have been in existence for 10 or more years, including volunteer ambulance, fire and rescue companies. A vote must be taken by the officers of the club.
  - Non-profit fundraisers, held by a non-profit or charitable organization in a place separate from other public areas, which does not permit anyone under 18, and food and beverage must be served. A one-event-per-year limit exists.
  - Tobacco Promotion Events where at least 75 percent of products displayed or distributed are tobacco or tobacco-related products. Limited to six days of promotional events a year.
  - Cigar bars: Types 1 and 2 (must provide supporting documentation)
    - Type 1: An establishment that serves liquor, is physically connected by a door, passageway or other opening and is directly adjacent to a tobacco shop.
    - Type 2: An establishment that serves liquor as well as tobacco products, including tobacco, accessories, cigar storage lockers or humidors. Total annual sale of tobacco products must be at least 15 percent of gross combined sales.
  - Bars: Types 1 and 2 (must provide supporting documentation)
    - Type 1: A bar that allows smoking throughout the entire establishment and does not permit anyone under the age of 18 in the establishment.



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- Type 2: A bar/restaurant that allows smoking in the bar area, which is separately ventilated and enclosed from the restaurant area, has a separate outside entrance, and does not allow smoking in the restaurant area. Individuals under the age of 18 are not permitted in the bar area of this establishment.
- **More exemptions:**
  - Casinos: 25 percent of the gaming floor or, if proof of a hardship within 90 days of implementation or of an opening date can be proven, then 50 percent of gaming can have smoking permitted
  - Wholesale or retail tobacco shops with tobacco sales comprising 50 percent or more of gross sales annually (must provide supporting documentation)
  - Outdoor sports, recreational facility, theater or performance establishment
- **Enforcement:**
  - Owners, operators or managers can cite an affirmative defense. If the owner, operator or manager cannot prove good faith effort to prohibit smoking was made, or if the violation occurred when the owner, operator or manager was not present, an administrative penalty can be assessed.
  - Violators of the law will be issued a criminal penalty:
    - 1st offense: \$250
    - 2nd offense: \$500
    - 3rd offense: \$1,000
- **Pre-emption** will be in effect, however the legislation will not apply to the City of Philadelphia.
- Legislation went into effect on September 11, 2008

### Amendment

- In February 2015, **Senate Bill 587<sup>2</sup>** was introduced by Senator Stewart Greenleaf. This bill would remove major exemptions from the current clean indoor air law, including:
  - Drinking establishments, including any outdoor deck, patio, or similar outdoor service area
  - Casinos
  - Private clubs
  - Residential facilities
  - Fundraisers
  - Tobacco Promotion events
  - Full service truck stops
  - Workplaces of manufacturer, importer or wholesaler of tobacco products
  - prohibition of electronic cigarette use in public places
  - removes local preemption and would give all political subdivisions the ability to enact smoke free ordinances that are more protective than state law

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<sup>1</sup> The General Assembly of Pennsylvania. (2008). *Act 27*.

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=S&billTyp=B&billNbr=0246&pn=2099>

<sup>2</sup> The General Assembly of Pennsylvania. (2014). *Memorandum*.

<http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20150&cosponId=15593>