

**General Overview
Conference Committee Report
Senate Bill 246**

Title

- **Clean Indoor Air Act**

Prohibition

- **Bans smoking in Public Places and Workplaces.**
 - **Public Places include: Educational facility, Healthcare facility, Restaurant, Mass Transit vehicles (i.e., train subway) Bus station, Sports facility.**
 - **Workplaces: “An indoor area (i.e., offices, hallways, restrooms) serving as a place of employment, occupation, business, trade, craft, professional or volunteer activity.”**

Exceptions: Smoking Permitted in the following places:

- **Private Residence/Private Vehicle**
 - **Unless used for child-care, adult day-care or children/youth in state/county custody.**
- **Designated Quarters:**
 - **Lodging Establishment – No more than 25% of the units.**
 - **Full Service Truck Stop – Provides shower facilities for a fee.**
- **Tobacco Shop:**
 - **Must have tobacco product sales of at least 50% (annual gross sales).**
 - **Must submit application to Health Department to qualify for exception along with supporting documentation (i.e., sales tax receipts).**
- **Workplaces of Manufacturer, Importer or Wholesaler of Tobacco Products**
 - **Includes tobacco leaf dealer or processor or tobacco storage facility.**
- **Residential Facilities:**
 - **Long-term care facilities, residential adult care.**
 - **A separate enclosed room or designated smoking room.**

- **Private Club**
 - **Exceptions: Smoking “Not Permitted” when:**
 - **Open to public for club-sponsored event (i.e., bingo); or**
 - **Leased/Used for private event (i.e., wedding) not club-sponsored.**
 - **Must hold regular meetings, be in continuous existence for 10 years**
 - **Includes volunteer ambulance, fire and rescue companies.**
 - **Officers of club must vote on the smoking issue and record it.**

- **Fundraisers**
 - **Non-profit and charitable groups allowed smoking at 1 event/year, if:**
 - **Place is separate from other public areas.**
 - **Food and beverage are served.**
 - **Individuals under 18 are not permitted, and**
 - **Cigars are sold, auctioned or given as gifts.**

- **Tobacco Promotion Events**
 - **An exhibition hall, conference room, catering hall or similar facility used solely for an event to promote or sample tobacco products open to the public, provided all the following:**
 - **Food and drink service is incidental.**
 - **Sponsor provides notice of unrestricted smoking.**
 - **At least 75% of items must be tobacco products.**
 - **No more than 6 days of promotional events in a year.**

- **Cigar Bar**
 - **Two types of exemptions:**
 - **1) An establishment, on the effective date, with a liquor license that is physically connected and directly adjacent to a tobacco shop.**
 - **2) An establishment with a liquor license that generates 15% or more of annual gross income from sale of tobacco products.**
 - **Must submit application to Health Department to qualify for exception along with supporting documentation (i.e., sales tax receipts).**

- **Drinking Establishment**
 - **Two types of exemptions:**
 - **1) An establishment with a liquor license whose food sales comprises no more than 20% of its combined gross sales and doesn't permit anyone under 18.**
 - **2) An enclosed area within an establishment that is a physically connected/adjacent area separate from eating area, and has separate air system, separate outside entrance, food sales no more than 20% of gross sales and doesn't permit anyone under 18.**
 - **Must submit application to Health Department to qualify for exception along with supporting documentation (i.e., sales tax receipts).**
 - **Must post signs (Smoking Permitted) at every entrance.**
- **Licensed Gaming Facility**
 - **25% of the gaming floor.**
 - **May increase up to 50% of the gaming floor.**
- **Sports or Recreational Facility, Theatre or Performance Establishment**
 - **In a designated outdoor smoking area.**

Enforcement

- **Complaints**
 - **Local Law Enforcement or**
 - **Health Department**
 - **In writing.**
 - **Toll-free number (1-877-835-9535) or**
 - **Electronic submission.**
- **Investigation/Enforcement**
 - **Health Department.**
 - **State Licensing Agency (i.e., Liquor Control Board).**
 - **County Board of Health (opt-in).**
 - **Local Law Enforcement.**

- **Violations**
 - Failure to post a sign as required.
 - Permitting smoking in a public place where prohibited, and
 - Smoking in a public place where prohibited.

- **Affirmative Defenses**
 - Control of place was under lessee.
 - Good faith effort.
 - Require sworn affidavit.

- **Penalties**
 - Civil and Criminal.
 - Imposed on owner/employer and individuals.
 - 1st Offense – up to \$250.
 - 2nd Offense – up to \$500.
 - Subsequent – up to \$1,000.

Administration

- **Health Department – Lead agency for implementing (education and enforcement) the Act.**

Preemption of Local Ordinances

- **Supersedes all local ordinances concerning smoking in public places.**
 - **Exception: City of Philadelphia.**

Effective Date

- **90 days (September 11, 2008).**