
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1786 Session of
2017

INTRODUCED BY V. BROWN, ENGLISH, MURT, DAWKINS, KINSEY AND SIMS,
SEPTEMBER 14, 2017

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2017

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.