
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 211 Session of
2021

INTRODUCED BY DeLUCA, SANCHEZ, VITALI, FREEMAN, HOWARD, CIRESI,
MADDEN, ZABEL, WEBSTER AND PISCIOTTANO, JANUARY 22, 2021

REFERRED TO COMMITTEE ON HEALTH, JANUARY 22, 2021

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 otherwise increased under this paragraph,
17 25% of the gaming floor at a licensed facility. No earlier
18 than 90 days following the effective date of this section or
19 the date of commencement of slot machine operations at a

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

22 * * *

23 Section 2. This act shall take effect immediately.