

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 396 Session of 2019

INTRODUCED BY BAKER, BREWSTER, ARGALL, GORDNER, DINNIMAN, J. WARD, AUMENT, ALLOWAY, BROOKS, KILLION, HAYWOOD AND TARTAGLIONE, MARCH 11, 2019

REFERRED TO JUDICIARY, MARCH 11, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for the
3 offense of sale of tobacco.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definition of "tobacco product" in section
7 6305(k) of Title 18 of the Pennsylvania Consolidated Statutes is
8 amended to read:

9 § 6305. Sale of tobacco.

10 * * *

11 (k) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 * * *

15 "Tobacco product." [A cigarette, cigar, pipe tobacco or
16 other smoking tobacco product or smokeless tobacco in any form,
17 manufactured for the purpose of consumption by a purchaser, and
18 any cigarette paper or product used for smoking tobacco.] The

1 term includes:

2 (1) Any product containing, made or derived from tobacco
3 or nicotine that is intended for human consumption, whether
4 smoked, heated, chewed, absorbed, dissolved, inhaled,
5 snorted, sniffed or ingested by any other means, including,
6 but not limited to, a cigarette, a cigar, a little cigar,
7 chewing tobacco, pipe tobacco, snuff and snus.

8 (2) Any electronic device that delivers nicotine or
9 another substance to the person inhaling from the device,
10 including, but not limited to, an electronic cigarette,
11 cigar, pipe and hookah.

12 The term includes any component, part or accessory of such
13 product or electronic device, whether or not sold separately.

14 The term does not include a product that has been approved by
15 the United States Food and Drug Administration for sale as a
16 tobacco cessation product or for other therapeutic purposes
17 where the product is marketed and sold solely for such approved
18 purpose.

19 * * *

20 Section 2. This act shall take effect in 60 days.