PA SMOKING BAN
IMPORTANT INFORMATION ON
ACT 27 of 2008
PA CLEAN INDOOR AIR ACT

Pennsylvania will implement ACT 27 of 2008, The PA Clean Indoor Air Act, on September 11, 2008. The act impacts all businesses in Pennsylvania. Over the past several weeks there has been much discussion on how the act will affect private clubs in Pennsylvania.

I. Are private clubs included in ACT 27?

Private clubs in Pennsylvania are subject to ACT 27. Private clubs are defined by the act as

"Private club." An organization which is any of the following:

1. A reputable group of individuals associated together as an organization for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience which does all of the following:
   i. Regularly and exclusively occupies, as owner or lessee, a clubhouse or quarter for the use of its members.
   ii. Holds regular meetings; conducts its business through officers regularly elected; admits members by written application, investigation and ballot; and charges and collects dues from elected members.
   iii. Has been in continuous existence for a period of ten years as such an organization.
2. A volunteer ambulance service.
3. A volunteer fire company.
4. A volunteer rescue company.

The definition includes fraternal organizations such as the Elks, Moose, Eagles as well as veteran organizations such as the American Legion, AmVets and VFW.

II. What must private clubs do to remain smoking?

In developing the legislation for Act 27, the legislature took into consideration the unique nature of private clubs. To that extent, they provided an exemption to the smoking ban for private clubs. In order to remain a smoking establishment, a private club is required to do certain things and is prohibited from allowing smoking in certain situations.

A. Vote by the Officers of the Club.
The act requires that the **officers of the club** take and record a vote to be exempted. The vote is not a general membership vote.

*In order to qualify for the exception under subsection (b)(6), a private club must take and record a vote of its officers under the bylaws to address smoking in the private club’s facilities.*

**B. When is a private club prohibited from having smoking?**

A private club is prohibited from allowing smoking under the following circumstances:

1. When it is **(i) open to the public through general advertisement for a club-sponsored event or**
2. When it is **(ii) leased or used for a private event which is not club-sponsored.**

Under subsection (i), a private club can not permit smoking when it is open to the public and **advertises** itself as being open to the public for that event. If a private club advertises in a newspaper, on the radio or on television that it is open to the public for an event, it can not permit smoking for that event. Such events would include Memorial Day, Flag Day or Veteran Day programs that are advertised to the public. Fundraisers where the public is invited and it is advertised as such would be prohibited, this includes **Bingo. Bingo halls are expressly prohibited in the act.**

Advertising by signage in front of a club indicating that it is open to the public would prohibit smoking in the facility.

Under subsection (ii), a private club can not permit smoking when it leases its facility for a private event which is not club sponsored. Examples would be a wedding reception, birthday party, etc.

Smoking would be permitted in member only areas of the club that are segregated from the rental area and where those leasing and using the rental area are not permitted to enter. Examples would be facilities where the rental area is on a floor separate from the member only area or where there is a physical boundary such as walls and doors between the member only and rental areas.

**C. May I bring a guest into a private club that allows smoking?**

Yes. There is no prohibition in allowing smoking while guests are in a private club under normal operating circumstances. Guests must meet and follow the guidelines as set by the club’s guest policy and by-laws.

**D. Are minors allowed in a club that allows smoking?**

Yes, provided the club by-laws allow a minor in the club and such minor
is there under PLCB regulations, i.e. with parent or guardian or under proper adult supervision.

E. Are clubs required to post signs?

Yes, "Smoking" or "No Smoking" signs or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette in a circle with a bar across it, shall be prominently posted and properly maintained where smoking is regulated by this act, by the owner, operator, manager or other person having control of the area.

Private clubs do not have to post at entrances, but it is suggested that signage indicating the club is a “smoking permitted” establishment be posted.

F. May clubs permit smoking for Dart Leagues, Bowling Leagues or Pool Leagues?

If the league is a club sponsored event and it is not generally advertised to the public then smoking would be permitted.

As we enter this new era of smoking and non-smoking establishments, there will be many questions and concerns. The PA Department of Health has set up a toll free line to address questions concerning ACT 27. That number is 877-835-9535. Questions may also be answered by visiting its website: http://www.dsf.health.state.pa.us/health/site/default.asp.

Likewise, as an individual involved in the private club exemption discussions with the legislature, questions may be directed to

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