

FOR DISCUSSION PURPOSES ONLY

DRAFT proposed revisions to 25 Pa. Code Chapter 208

Amending "Smoking Prohibition" to include statutory language, add specific prohibition of electronic cigarettes, and provide for penalty

§ 208.375. Smoking prohibition.

(a) The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

(b) Open lights, smoking and smokers' articles, including matches, are prohibited in bituminous coal mines. No individual shall at any time enter a mine with or carry into the mine any matches, pipes, cigars, cigarettes, electronic nicotine delivery systems, such as e-cigarettes, or other electronic liquid-vaporizing devices, or any device for making lights or fire not approved.

(c) In all mines the operator may search or cause to be searched any individual, including his clothing and material belongings, entering or about to enter the mine, or inside the mine, to prevent such individual from taking or carrying into the mine any of the articles prohibited by this section.

(d) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, including electronic nicotine delivery systems, such as e-cigarettes, or other electronic liquid-vaporizing devices, matches, or lighters shall be subject to a civil penalty assessed by the Department, which penalty shall not be more than \$375.00 for each occurrence of such violation.