

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2854

Session of
1996

INTRODUCED BY STAIRS, LLOYD, BATTISTO, GORDNER, MUNDY, BROWNE, GRUPPO, SAYLOR, HERMAN, BAKER, FLEAGLE, CARONE, SATHER, GLADECK, STABACK, SCHULER, COWELL, NAILOR, L. I. COHEN, ROBINSON, RAYMOND, SHANER, PHILLIPS, HENNESSEY, BARD, BEBKO-JONES, E. Z. TAYLOR, TRELLO, EGOLF, HERSHEY, RUBLEY, MILLER and STEELMAN, JULY 15, 1996

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 1996

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for the control of tobacco
6 use on school property; and making a repeal.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1317.3. School Tobacco Control.--(a) Tobacco
13 possession or use by pupils is prohibited in school buildings
14 and school buses and on school property owned by, leased by or
15 under the control of a school district.

16 (b) (1) The board of school directors may designate smoking

1 areas for employes and shall establish policy to enforce the
2 prohibition of tobacco possession or use under this section.

3 (2) The board of school directors shall notify employes,
4 students and parents of the policy developed in subsection
5 (b)(1) by publishing the information in a student handbook and
6 parent newsletter, and on posters or other efficient means.

7 (c) This section supersedes any municipal ordinance or
8 school board regulation to the contrary.

9 (d) A pupil who violates subsection (a) commits a summary
10 offense, shall be subject to prosecution initiated by the local
11 ~~board of school directors~~ SCHOOL DISTRICT, and shall, upon <—
12 conviction, be sentenced to pay a fine of not more than fifty
13 dollars (\$50), FOR THE BENEFIT OF THE SCHOOL DISTRICT IN WHICH <—
14 SUCH OFFENDING PUPIL RESIDES, AND TO PAY COURT COSTS. When a
15 pupil is charged with violating subsection (a), the court may
16 admit the offender to an adjudication alternative as authorized
17 in 42 Pa.C.S. § 1520 (relating to adjudication alternative
18 program) in lieu of imposing the fine.

19 (E) A SUMMARY OFFENSE UNDER THIS SECTION IS NOT A CRIMINAL <—
20 OFFENSE OF RECORD AND SHALL NOT BE REPORTABLE AS A CRIMINAL ACT
21 NOR BE PLACED ON THE CRIMINAL RECORD OF THE STUDENT IF ANY
22 EXISTS.

23 ~~(e)~~ (F) As used in this section, the following words and <—
24 phrases shall have the meanings given to them in this
25 subsection:

26 "School" shall mean a school operated by a joint board, board
27 of directors or school board where pupils are enrolled in
28 compliance with Article XIII of this act. The term includes area
29 vocational-technical schools and intermediate units.

30 "Smoking" shall include possession of a lighted cigarette,

1 cigar, pipe or other lighted smoking equipment or the possession
2 of tobacco in any form.

3 "Tobacco use" shall include the possession of or the smoking
4 and the use of smokeless tobacco in any form.

5 Section 2. Section 3.5 of the act of April 27, 1927
6 (P.L.465, No.299), referred to as the Fire and Panic Act, is
7 repealed.

8 Section 3. This act shall take effect immediately.