

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2665 Session of  
2008

INTRODUCED BY DeLUCA, BENNINGTON, DONATUCCI, FRANKEL, HARHAI,  
HENNESSEY, HORNAMAN, KULA, MAHONEY, ROCK, SIPTROTH, K. SMITH,  
SONNEY, SWANGER, TRUE, WOJNAROSKI, YOUNGBLOOD, McGEEHAN,  
R. MILLER, RAPP AND READSHAW, JUNE 25, 2008

REFERRED TO COMMITTEE ON EDUCATION, JUNE 25, 2008

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 testing for controlled  
6 substances for prospective employees.

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 111.1. Testing for Controlled Substances for  
13 Prospective Employees.--(a) This section shall apply to all  
14 prospective employes of public and private schools, intermediate  
15 units and area vocational-technical schools, including  
16 independent contractors and their employes, except those  
17 employes and independent contractors and their employes who have  
18 no direct contact with children.

19 (b) Administrators of public and private schools,

1 intermediate units and area vocational-technical schools shall  
2 require prospective employees to submit with their employment  
3 application a report of drug testing or a statement from a  
4 testing laboratory relating to the results of the controlled  
5 substance testing paid for by the applicant. The report shall be  
6 no more than ninety (90) days old. An applicant may submit a  
7 copy of the required information with the application for  
8 employment. Administrators shall maintain a copy of the required  
9 information and shall require each applicant to produce the  
10 original document prior to employment. Administrators shall  
11 require contractors to produce the original document for each  
12 prospective employee of such contractor prior to employment.

13 (c) Beginning April 1, 2009, administrators shall require  
14 the applicant to submit with the application for employment a  
15 copy of the controlled substances testing report in a manner  
16 prescribed by the Department of Education. When the applicant  
17 provides a copy of the controlled substances testing report, it  
18 shall be no more than ninety (90) days old. Administrators shall  
19 maintain a copy of the required information and shall require  
20 each applicant to produce a controlled substances testing report  
21 that may not be more than ninety (90) days old at the time of  
22 employment. The original controlled substances testing report  
23 shall be returned to the applicant.

24 (d) The State Board of Education shall, in the manner  
25 provided by law, promulgate the regulations necessary to carry  
26 out this section. The regulations shall provide for the  
27 information obtained pursuant to the drug testing mandated by  
28 this act.

29 (e) No person subject to this act shall be employed in a  
30 public or private school, intermediate unit or area vocational-

1 technical school where the controlled substances testing report  
2 indicates the applicant has used a controlled substance without  
3 a prescription from a physician.

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