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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1190 Session of  
2017

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INTRODUCED BY McCLINTON, DEAN, KINSEY, MILLARD, BULLOCK, GAINNEY,  
ROEBUCK, READSHAW, DRISCOLL, MURT, D. COSTA, DONATUCCI,  
V. BROWN, ROZZI, SIMS, FRANKEL, STURLA, FARRY, SNYDER AND  
YOUNGBLOOD, MAY 19, 2017

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REFERRED TO COMMITTEE ON EDUCATION, MAY 19, 2017

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in public safety, providing for  
3 substance abuse prevention and intervention and establishing  
4 the School-Based Substance Abuse Prevention and Intervention  
5 Program.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 52B

11 SCHOOL-BASED SUBSTANCE ABUSE PREVENTION

12 AND INTERVENTION PROGRAM

13 Sec.

14 52B01. Scope of chapter.

15 52B02. Definitions.

16 52B03. Establishment of program.

17 52B04. Duties of school districts.

18 52B05. Construction.

1 52B06. Regulations.

2 § 52B01. Scope of chapter.

3 This chapter relates to school-based substance abuse  
4 prevention and intervention.

5 § 52B02. Definitions.

6 The following words and phrases when used in this chapter  
7 shall have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Controlled substance." The term shall have the meaning  
10 given to it under section 2 of the act of April 14, 1972  
11 (P.L.233, No.64), known as The Controlled Substance, Drug,  
12 Device and Cosmetic Act.

13 "Department." The Department of Education of the  
14 Commonwealth.

15 "Department of Drug and Alcohol Programs." The department  
16 established in accordance with Article XXIII-A of the act of  
17 April 9, 1929 (P.L.177, No.175), known as The Administrative  
18 Code of 1929, or any successor agency or office of the  
19 Commonwealth created on or after the effective date of this act  
20 to assume the powers and duties of the Department of Drug and  
21 Alcohol Programs.

22 "Drug." The term shall have the meaning given to it under  
23 section 2 of The Controlled Substance, Drug, Device and Cosmetic  
24 Act.

25 "Prescription drug." A controlled substance or any other  
26 drug which requires a medical prescription to be dispensed to or  
27 for an ultimate user.

28 "Program." The School-Based Substance Abuse Prevention and  
29 Intervention Program established under this chapter.

30 "School." A public school, including a charter school, cyber

1 charter school, intermediate unit or area vocational-technical  
2 school, operating in a school district within this Commonwealth.

3 "School district." School districts of all classifications  
4 established pursuant to section 202 of the act of March 10, 1949  
5 (P.L.30, No.14), known as the Public School Code of 1949.

6 "Student." An individual enrolled in a school district,  
7 including an individual enrolled in a charter or cyber charter  
8 school in any school district in this Commonwealth.

9 § 52B03. Establishment of program.

10 (a) Establishment.--There is established the School-Based  
11 Substance Abuse Prevention and Intervention Program within the  
12 Department of Education.

13 (b) Duties of the department.--The department, in  
14 consultation with the Department of Drug and Alcohol Programs,  
15 shall establish curriculum guidelines to govern the development  
16 and implementation of an effective age-appropriate, school-based  
17 program of instruction in substance abuse prevention and  
18 intervention in accordance with the requirements of this act.

19 (c) Guidelines.--The curriculum guidelines shall be designed  
20 to include the following elements, where age-appropriate, in  
21 health courses of instruction:

22 (1) Detailed factual information regarding the risk of  
23 harm associated with the use of controlled substances and the  
24 nonmedical use of prescription drugs, including the  
25 physiological, psychological, sociological, financial and  
26 criminal consequences and other aspects of controlled  
27 substance and prescription drug misuse and abuse.

28 (2) Detailed information regarding the availability of  
29 counseling and other support services and assistance for  
30 students and their families with controlled substance or

1 prescription drug addiction or dependency problems.

2 (3) Knowledge and skills needed to evaluate  
3 advertisements for and media portrayals of prescription  
4 drugs, including the marketing of prescription drugs.

5 (4) Detailed instruction on the need for and the role of  
6 law enforcement in controlling unlawful possession and use of  
7 controlled substances and prescription drugs and law-abiding  
8 behavior, including interaction with members of the law  
9 enforcement and criminal justice communities.

10 (5) Detailed information on population-specific risk  
11 factors such as age, gender, culture, ethnicity, environment  
12 and substance-abusing peers.

13 (6) Detailed information on all forms of substance  
14 abuse, alone or in combination, including the underage use of  
15 illegal controlled substances and the inappropriate use of  
16 prescription drugs and other legally obtained drugs.

17 (7) Comprehensive instruction on Federal law and the  
18 laws of this Commonwealth related to the possession, sale and  
19 use of controlled substances and illegally obtained  
20 prescription drugs.

21 (c) Development of plan.--No later than 180 days after the  
22 effective date of this subsection, the department shall  
23 recommend to the General Assembly a plan to assist each school  
24 district with the establishment and maintenance of a program  
25 that will provide appropriate counseling and support services to  
26 students who experience problems related to the misuse and abuse  
27 of controlled substances and prescription drugs or any other  
28 drug or substance which has a potential for misuse or abuse. A  
29 school district may integrate counseling and support services  
30 provided under this subsection into any student assistance

1 program established and maintained by such school district under  
2 section 1547 of the act of March 10, 1949 (P.L.30, No.14), known  
3 as the Public School Code of 1949.

4 § 52B04. Duties of school districts.

5 (a) Initial instructions.--

6 (1) Beginning with the 2018-2019 school year or at the  
7 beginning of the first full school year following the  
8 effective date of this subsection, whichever is earlier, and  
9 each school year thereafter, each student shall receive  
10 mandatory instruction in the program established under  
11 section 52B03(a) (relating to establishment of program) in  
12 every school year and in every grade from kindergarten  
13 through grade 12. The instruction shall be integrated within  
14 the health course of study required in accordance with the  
15 State Board of Education regulations. In grades where health  
16 is offered, instruction may also be integrated into other  
17 appropriate courses of study. In grades where health is not  
18 offered, instruction shall be integrated into an appropriate  
19 curriculum requirement in accordance with the requirements of  
20 22 Pa. Code (relating to education).

21 (2) The instruction required to be provided in  
22 accordance with paragraph (1) shall:

23 (i) Be age appropriate.

24 (ii) Be sequential in method of study.

25 (iii) Discourage the use of controlled substances  
26 and the misuse and abuse of prescription drugs, including  
27 prescription drugs that have a heightened potential for  
28 addiction or dependency.

29 (iv) Communicate that the sale, possession and use  
30 of controlled substances is a violation of law subject to

1 criminal prosecution and may result in addiction.

2 (v) Communicate that the unlawful possession, sale  
3 or give away and the improper or unauthorized use of  
4 legally obtained prescription drugs are violations of  
5 law, which may be subject to criminal prosecution.

6 (vi) Include instruction in prescription drug misuse  
7 and abuse, including information on the connection  
8 between prescription drug misuse and abuse and addiction  
9 to controlled substances, such as heroin, and the  
10 likelihood of accidental overdose.

11 (vii) Include prevention strategies designed to  
12 prevent early experimentation and abuse of controlled  
13 substances and prescription drugs.

14 (viii) Communicate information on the physical and  
15 mental harms associated with the use of designer drugs,  
16 anabolic steroids and other such drugs, substances and  
17 supplements.

18 (3) School districts may utilize any appropriate public  
19 or private materials, personnel and other resources in  
20 developing and implementing the program. The Department of  
21 Drug and Alcohol Programs shall make available information  
22 about appropriate curriculum materials upon request of a  
23 school district or charter school. In developing its program,  
24 each school district shall consult with the single county  
25 authority designated by the Department of Drug and Alcohol  
26 Programs to provide drug and alcohol services in the school  
27 district's area.

28 (b) Additional authority.--Each school district is  
29 authorized to and may develop and offer programs relating to  
30 controlled substances and prescription drugs for parents of

1 students enrolled in the public schools in the school district.  
2 If a school district develops the programs, they shall be  
3 developed in consultation with the single county authority  
4 designated by the Department of Drug and Alcohol Programs to  
5 provide drug and alcohol services in the school district's area.  
6 The program shall be offered at no cost to parents.

7 (c) In-service training.--Beginning with the first full  
8 school year following the effective date of this subsection and  
9 each school year thereafter, the department, in consultation  
10 with the Department of Drug and Alcohol Programs, shall make  
11 available to all school districts and intermediate units in-  
12 service training programs based upon the curriculum guidelines  
13 established under section 52B03 and the instruction requirements  
14 established under this section. The in-service training program  
15 shall include information necessary to prepare for the required  
16 instruction in the misuse and abuse of controlled substances and  
17 prescription drugs, including opioid analgesics and other  
18 controlled substances approved for medical use which have a  
19 heightened potential for misuse and abuse. The in-service  
20 programs may utilize the single county authorities designated by  
21 the Department of Drug and Alcohol Programs or other  
22 institutions, agencies or persons as the department may deem  
23 appropriate.

24 (d) Training programs for instructors.--As part of the in-  
25 service training under subsection (c), each school district  
26 shall provide training programs on controlled substance and  
27 prescription drug misuse and abuse for all instructors whose  
28 teaching responsibilities include courses of study in which  
29 instruction concerning controlled substance and prescription  
30 drug misuse and abuse is integrated. To comply with this

1 requirement, a school district may utilize programs that may be  
2 made available by the department, the Department of Drug and  
3 Alcohol Programs or any other alternative programs as may be  
4 approved by the department, in consultation with the Department  
5 of Drug and Alcohol Programs.

6 (e) Nonpublic schools.--The governing board of each  
7 intermediate unit in which a nonpublic school is located shall  
8 have the authority and the duty to loan to all students  
9 attending nonpublic schools within the intermediate unit all  
10 educational materials developed by either the department or the  
11 Department of Drug and Alcohol Programs under this chapter for  
12 the instruction of public school students on the nature and  
13 effects of controlled substances and prescription drugs and the  
14 misuse and abuse of controlled substances and prescription  
15 drugs. A board of school directors shall not be obligated to  
16 expend funds which are not provided by either the Federal or  
17 State Government for drug education programs for the use or loan  
18 of materials to a nonpublic school. A nonpublic school may  
19 utilize the in-service training programs made available by the  
20 department through the intermediate unit.

21 § 52B05. Construction.

22 Nothing in this chapter shall be construed to prohibit a  
23 school district from integrating a school-based substance abuse  
24 prevention and intervention curriculum of instruction in  
25 accordance with the requirements of this chapter into its  
26 current curriculum requirements for instruction of alcohol,  
27 chemical and tobacco abuse in accordance with section 1547 of  
28 the act of March 10, 1949 (P.L.30, No.14), known as the Public  
29 School Code of 1949.

30 § 52B06. Regulations.

1       The department may adopt and promulgate regulations necessary  
2 to carry out and enforce the provisions of this chapter.

3       Section 2. This act shall take effect as follows:

4           (1) The addition of 35 Pa.C.S. § 52B03 shall take effect  
5 immediately.

6           (2) This section shall take effect immediately.

7           (3) The remainder of this act shall take effect 180 days  
8 following the publication of the curriculum guidelines in the  
9 Pennsylvania Bulletin.