

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 672

Session of
1983

INTRODUCED BY RHOADES, O'PAKE, BELL, PECORA, HESS, LINCOLN,
HELFRICK, FISHER, O'CONNELL, CORMAN, STAUFFER, JUBELIRER,
HAGER, SHUMAKER, WENGER AND SHAFFER, APRIL 21, 1983

SENATOR SNYDER, JUDICIARY, AS AMENDED, MAY 10, 1983

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for civil
3 immunity of school officers or employees RELATING TO DRUG OR <—
4 ALCOHOL ABUSE.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8337. Civil immunity of school officers or employees

10 RELATING TO DRUG OR ALCOHOL ABUSE. <—

11 (a) General rule.--Any officer or employee of a school who,
12 IN THE SCOPE OF OFFICIAL DUTY, reports drug or alcohol abuse <—
13 involving a student to another officer or employee of the
14 school, to a parent or, legal guardian OR SPOUSE of the student <—
15 or to law enforcement officers or who refers a student for <—
16 treatment or counseling OR FOR DISCIPLINARY ACTION BY SCHOOL <—
17 AUTHORITIES relating to drug or alcohol abuse shall not be
18 liable to the student or the parents or, LEGAL guardian OR <—

1 SPOUSE of the student for civil damages as a result of any
2 NEGLIGENT statements, acts or omissions undertaken with a IN <—
3 good faith effort and intention. This section FOR THE PURPOSES <—
4 SET FORTH IN THIS SECTION. THIS SUBSECTION SHALL ALSO APPLY TO
5 SCHOOL AUTHORITIES WHO HAVE BEEN DESIGNATED TO HANDLE
6 DISCIPLINARY CASES FOR NEGLIGENT STATEMENTS, ACTS OR OMISSIONS
7 UNDERTAKEN IN GOOD FAITH IN REPORTING A STUDENT FOR DRUG OR
8 ALCOHOL ABUSE TO A LAW ENFORCEMENT OFFICER IN ACCORDANCE WITH
9 SCHOOL POLICY OR PROCEDURES AND BASED UPON A REASONABLE BELIEF
10 THAT A CRIME HAS BEEN, IS BEING OR WILL BE COMMITTED. THIS
11 SUBSECTION does not apply to any statement, acts or omissions
12 which are intentionally designed to harm or which are grossly
13 negligent and result in harm to the student.

14 (b) Definitions.--As used in this section the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Drug and alcohol abuse." The unauthorized use, possession
18 or distribution of:

19 (1) Alcohol, as defined in the act of April 12, 1951
20 (P.L.90, No.21), known as the Liquor Code.

21 (2) Any controlled substance, drug, drug paraphernalia
22 or counterfeit drug as defined in the act of SEPTEMBER 27, <—
23 1961 (P.L.1700, NO.699), KNOWN AS THE PHARMACY ACT, OR THE
24 ACT OF April 14, 1972 (P.L.233, No.64), known as The
25 Controlled Substance, Drug, Device and Cosmetic Act.
26 The term includes any act prohibited under SECTION 8 OF THE <—
27 PHARMACY ACT OR section 13(a)(15) or (16) of The Controlled
28 Substance, Drug, Device and Cosmetic Act.

29 "Officer or employee of a school." A school ~~board member~~ <—
30 DIRECTOR, principal, superintendent, teacher, guidance <—

1 counselor, SUPPORT STAFF MEMBER or other educational or medical <—
2 employee employed in a day or residential school which provides
3 preschool, kindergarten, elementary or secondary education in
4 this Commonwealth, at either a public or nonpublic school.

5 (C) POLITICAL SUBDIVISION TORT CLAIMS.--THIS SECTION SHALL <—
6 NOT REDUCE OR IMPAIR THE PROTECTIONS AFFORDED BY SUBCHAPTER C OF
7 CHAPTER 85 (RELATING TO ACTIONS AGAINST LOCAL PARTIES).

8 Section 2. This act shall take effect in 30 days.