

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2789 Session of  
1994

INTRODUCED BY GLADECK, TRELLO, L. I. COHEN, BATTISTO, TRUE,  
WOZNIAK AND DALEY, MAY 18, 1994

REFERRED TO COMMITTEE ON EDUCATION, MAY 18, 1994

AN ACT

1 Amending the act of April 27, 1927 (P.L.465, No.299), entitled,  
2 as amended, "An act to provide for the safety of persons  
3 employed, housed, or assembled in certain buildings and  
4 structures by requiring certain construction and ways of  
5 egress, equipment, and maintenance; providing for the  
6 licensing of projectionists, except in cities of the first  
7 class and second class; requiring the submission of plans for  
8 examination and approval; providing for the promulgation of  
9 rules and regulations for the enforcement of this act;  
10 providing for the enforcement of this act by the Department  
11 of Labor and Industry, the Department of Health, boards of  
12 school directors and, in certain cases, by the chiefs of fire  
13 departments in cities of the third class; providing penalties  
14 for violations of the provisions of this act; and repealing  
15 certain acts," prohibiting smoking in schools.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 3.5 of the act of April 27, 1927  
19 (P.L.465, No.299), referred to as the Fire and Panic Act, added  
20 December 21, 1988 (P.L.1315, No.168), is amended to read:

21 Section 3.5. School Tobacco Control.--(a) Tobacco use by  
22 [pupils] any person is prohibited in school buildings and school  
23 buses and on school property owned by, leased by or under the  
24 control of a school district.

1 (b) (1) The board of school directors [may designate  
2 smoking areas for employees and] shall establish policy to  
3 enforce the prohibition of tobacco use under this section.

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

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

10 (d) Notwithstanding the provisions of section 15, this  
11 section shall apply throughout this Commonwealth.

12 (e) As used in this section, the following words and phrases  
13 shall have the meanings given to them in this subsection:

14 "School" means a school operated by a joint board, board of  
15 directors or school board where pupils are enrolled in  
16 compliance with Article XIII of the act of March 10, 1949  
17 (P.L.30, No.14), known as the "Public School Code of 1949." The  
18 term includes area vocational-technical schools and intermediate  
19 units.

20 "Smoking" includes possession of a lighted cigarette, cigar,  
21 pipe or other lighted smoking equipment.

22 "Tobacco use" includes smoking and the use of smokeless  
23 tobacco in any form.

24 (f) (1) Each school principal shall be responsible for the  
25 enforcement of this section.

26 (2) A violation of this section constitutes a summary  
27 offense punishable by a fine of not less than fifty dollars  
28 (\$50.00) nor more than one hundred dollars (\$100.00).

29 Section 2. This act shall take effect immediately.