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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2572** Session of  
2002

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INTRODUCED BY BLAUM, SATHER, ARMSTRONG, SHANER, GRUCELA,  
HERSHEY, LESCOVITZ, TIGUE, TANGRETTI, MARKOSEK, WILT,  
HENNESSEY, CLARK, ROBINSON, G. WRIGHT, SOLOBAY, GEIST,  
CREIGHTON, ALLEN, J. WILLIAMS, FORCIER, FEESE, LAUGHLIN,  
E. Z. TAYLOR, WASHINGTON, PISTELLA, CRUZ, HORSEY, MELIO,  
CORRIGAN, TRICH, HARHAI AND YOUNGBLOOD, APRIL 16, 2002

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2002

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AN ACT

1 Providing for notifications in connection with the purchase,  
2 consumption, possession and transportation of alcoholic  
3 beverages by certain students enrolled in institutions of  
4 higher education, for enforcement and for a civil penalty.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Notification  
9 of College Underage Drinking Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Campus officer." Any of the following:

15 (1) An employee of an institution of higher education  
16 who exercises powers of arrest under authority of law or  
17 ordinance.

1           (2) An employee of an institution of higher education,  
2           other than a campus police officer who is charged with  
3           maintaining the safety and security of the property of the  
4           institution and of the persons on the property.

5           "Community college." A public college or technical institute  
6           which is established and operated under Article XIX-A of the act  
7           of March 10, 1949 (P.L.30, No.14), known as the Public School  
8           Code of 1949, and all branch campuses of a community college or  
9           technical institute.

10          "Dependent student." Any student who is claimed as a  
11          dependent on the Federal income tax return of his parent or  
12          guardian.

13          "Independent institution of higher education." An  
14          institution of higher education which is operated not-for-  
15          profit, located in and incorporated or chartered by the  
16          Commonwealth, entitled to confer degrees as set forth in section  
17          211 of the former act of May 5, 1933 (P.L.289, No.105), known as  
18          the Nonprofit Corporation Law of 1933, or under 24 Pa.C.S. Ch.  
19          65 (relating to private colleges, universities and seminaries)  
20          and entitled to apply to itself the designation "college" or  
21          "university" as provided for by standards and qualifications  
22          prescribed under 24 Pa.C.S. Ch. 65.

23          "Institution of higher education." An independent  
24          institution of higher education, a community college, a State-  
25          owned institution or a State-related institution, any of which  
26          is approved by the Department of Education.

27          "Licensee." Any retail or wholesale establishment licensed  
28          by the Pennsylvania Liquor Control Board to sell or distribute  
29          liquor or malt or brewed beverages.

30          "Liquor." Includes any alcoholic, spirituous, vinous,

1 fermented or other alcoholic beverage, or combination of liquors  
2 and mixed liquor a part of which is spirituous, vinous,  
3 fermented or otherwise alcoholic, including all drinks or  
4 drinkable liquids, preparations or mixtures and reused,  
5 recovered or redistilled denatured alcohol usable or taxable for  
6 beverage purposes which contain more than 0.50% of alcohol by  
7 volume, except pure ethyl alcohol and malt or brewed beverages.

8 "Malt or brewed beverages." Any beer, lager beer, ale,  
9 porter or similar fermented malt beverage containing 0.50% or  
10 more of alcohol by volume, by whatever name such beverage may be  
11 called.

12 "State-owned institution." An institution which is part of  
13 the State System of Higher Education under Article XX-A of the  
14 act of March 10, 1949 (P.L.30, No.14), known as the Public  
15 School Code of 1949, and all branches and campuses of a State-  
16 owned institution.

17 "State-related institution." The Pennsylvania State  
18 University, including the Pennsylvania College of Technology,  
19 the University of Pittsburgh, Temple University and Lincoln  
20 University and their branch campuses.

21 Section 3. Parental and institutional notification.

22 (a) Institution.--A campus officer or employee of an  
23 institution of higher education who has knowledge that a  
24 dependent student has violated 18 Pa.C.S. § 6308 (relating to  
25 purchase, consumption, possession or transportation of liquor or  
26 malt or brewed beverages) shall notify the designated office of  
27 the institution of higher education of the violation within five  
28 business days. The notice shall be in writing and shall include:

29 (1) The name of the dependent student.

30 (2) The date and time the violation occurred.

1 (3) The location where the violation occurred.

2 (4) A description of the violation.

3 (b) Parent or guardian.--An institution of higher education  
4 shall provide written notice of the violation described in  
5 subsection (a) to the parent or guardian of the dependent  
6 student within ten business days of receiving written notice of  
7 the violation.

8 Section 4. Pennsylvania Liquor Control Board and institutional  
9 notification.

10 (a) Institution.--A campus officer or employee of an  
11 institution of higher education who has knowledge that a  
12 dependent student under 21 years of age has purchased, consumed  
13 or received liquor or a malt or brewed beverage from a  
14 particular licensee shall notify the designated office of the  
15 institution of higher education within five business days. The  
16 notice shall be in writing and shall include:

17 (1) The name of the dependent student.

18 (2) The name and address of the licensee.

19 (3) The date and time of the incident.

20 (4) A description of the incident.

21 (b) Pennsylvania Liquor Control Board.--An institution of  
22 higher education shall notify the Pennsylvania Liquor Control  
23 Board of the following information obtained under subsection (a)  
24 within ten business days after receiving the information. The  
25 notification shall be in writing and shall include:

26 (1) The name and address of the licensee.

27 (2) The date and time of the incident.

28 (3) A description of the incident.

29 Section 5. Enforcement and penalty.

30 (a) Action to compel compliance.--When the Attorney General

1 has reason to believe that an institution of higher education is  
2 violating this act, the Attorney General may bring an action in  
3 the name of the Commonwealth against the institution to compel  
4 compliance.

5 (b) Civil penalty.--In any action brought by the Attorney  
6 General to compel compliance with this act, if the court finds  
7 that an institution of higher education fails to promptly comply  
8 with an order of the court to comply with this act, the Attorney  
9 General, acting in the name of the Commonwealth, may recover on  
10 behalf of the Commonwealth a civil penalty of not more than  
11 \$10,000.

12 Section 6. Effective date.

13 This act shall take effect in 60 days.