

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2572 Session of
2002

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

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2002

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 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.