

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 810 Session of 2013

INTRODUCED BY DeLUCA, HARHAI, DUNBAR, SWANGER, V. BROWN,
STEPHENS, D. COSTA, DAVIDSON, P. DALEY, FLECK, KORTZ, KULA,
HESS, MURT AND DEASY, MARCH 21, 2013

REFERRED TO COMMITTEE ON EDUCATION, MARCH 21, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for testing for controlled
6 substances for prospective employees.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 111.1. Testing for Controlled Substances for
13 Prospective Employees.--(a) This section shall apply to all
14 prospective employees of public and private schools, intermediate
15 units and area vocational-technical schools, including
16 independent contractors and their employees, except those
17 employees and independent contractors and their employees who have
18 no direct contact with children.

19 (b) School administrators of public and private schools,
20 intermediate units and area vocational-technical schools shall

require prospective employees to submit, upon offer of employment, a report of drug testing or a statement from a testing laboratory relating to the results of the controlled substance testing paid for by the applicant. The test and report shall be conducted and issued subsequent to the offer of employment and prior to the actual hiring date of the applicant. School administrators shall maintain a copy of the required information and shall require each applicant to produce the original document prior to employment. School administrators shall require contractors to produce the original document for each prospective employee of such contractor prior to employment. The provisions of this subsection expire on March 31, 2015.

(c) Beginning April 1, 2015, school administrators shall require the applicant to submit upon offer of employment a copy of the controlled substances testing report in a manner prescribed by the Department of Education. A controlled substances testing report submitted by the applicant must be paid for by the applicant and be the result of a controlled substances test conducted after the date of the offer of employment. When the applicant provides a copy of the controlled substances testing report, it shall be dated after offer of employment has been made. School administrators shall maintain a copy of the required information and shall require each applicant to produce a controlled substances testing report that shall be dated after the offer of employment has been made. The original controlled substances testing report shall be returned to the applicant.

(d) The State Board of Education shall, in the manner provided by law, promulgate the regulations necessary to carry out this section. The regulations shall provide for the

1 information obtained pursuant to the drug testing mandated by
2 this act.

3 (e) No person subject to this act shall be employed in a
4 public or private school, intermediate unit or area vocational-
5 technical school where the controlled substances testing report
6 indicates the applicant has used a controlled substance without
7 a prescription from a physician.

8 (f) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection unless the context clearly indicates otherwise:

11 "Controlled substances." Drugs, substances or immediate
12 precursors included in Schedules I through V of section 4 of the
13 act of April 14, 1972 (P.L.233, No.64), known as "The Controlled
14 Substance, Drug, Device and Cosmetic Act."

15 "School administrator." An administrator of a public school,
16 private school, intermediate unit or area vocational-technical
17 school.

18 Section 2. This act shall take effect in 60 days.