
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1920 Session of
2023

INTRODUCED BY MALAGARI, DIAMOND, FLICK, HOWARD, KHAN, HADDOCK,
KRAJEWSKI, GREEN AND CERRATO, DECEMBER 28, 2023

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 28, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for use
3 of tobacco products in schools prohibited.

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

6 Section 1. Section 6306.1(a), (a.2), (b) and (c) of Title 18
7 of the Pennsylvania Consolidated Statutes are amended to read:
8 § 6306.1. Use of tobacco products in schools prohibited.

9 (a) Pupils.--A pupil [commits a summary offense if the pupil
10 possesses or uses] may not possess or use a tobacco product:

11 (1) in a school building;

12 (2) on a school bus or other vehicle owned by, leased by
13 or under the control of a school district; or

14 (3) on school property owned by, leased by or under the
15 control of a school district.

16 * * *

17 (a.2) Policy.--

18 (1) The board of school directors shall establish a

1 policy to enforce the prohibition of tobacco product use
2 under this section [and may further establish policy relating
3 to tobacco product use at school-sponsored events that are
4 held off school premises]. The policy may not include
5 suspension, expulsion, fines, service fees or withholding
6 participation in extracurricular activities for prohibited
7 use or possession of tobacco under subsection (a). The board
8 of school directors shall consider the standards recommended
9 by the American Heart Association as applicable when
10 establishing the policy.

11 (1.1) The board of school directors may further
12 establish a policy relating to tobacco product use at school-
13 sponsored events that are held off school premises.

14 (2) The board of school directors shall notify
15 employees, pupils and parents of the policy developed in
16 accordance with [paragraph (1)] paragraphs (1) and (1.1) by
17 publishing the information in a student handbook and parent
18 newsletter and on posters or other efficient means.

19 [(b) Grading.--A pupil who commits an offense under this
20 section shall be subject to prosecution initiated by the local
21 school district and shall, upon conviction, be sentenced to pay
22 a fine of not more than \$50 for the benefit of the school
23 district in which such offending pupil resides and to pay court
24 costs. When a pupil is charged with violating subsection (a),
25 the court may admit the offender to an adjudication alternative
26 as authorized under 42 Pa.C.S. § 1520 (relating to adjudication
27 alternative program) in lieu of imposing the fine.]

28 (c) Nature of offense.--A [summary offense] violation under
29 this section shall not be a criminal offense of record, shall
30 not be reportable as a criminal act and shall not be placed on

1 the criminal record of the offending school-age person if any
2 such record exists.

3 * * *

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