

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.

18 (2) An employee of an institution of higher education

1 who is charged with maintaining the safety and security of
2 the property of the institution and of the persons on the
3 property.

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

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

12 "Independent institution of higher education." An
13 institution of higher education which is operated not-for-
14 profit, located in and incorporated or chartered by the
15 Commonwealth, entitled to confer degrees and to apply to itself
16 the designation "college" or "university" as provided for by
17 standards and qualifications prescribed under 24 Pa.C.S. Ch. 65.
18 (relating to private colleges, universities and seminaries).

19 "Institution of higher education." An independent
20 institution of higher education, a community college, a State-
21 owned institution or a State-related institution, any of which
22 is approved by the Department of Education.

23 "Licensee." Any retail or wholesale establishment licensed
24 by the Pennsylvania Liquor Control Board to sell or distribute
25 liquor or malt or brewed beverages.

26 "Liquor." Includes any alcoholic, spirituous, vinous,
27 fermented or other alcoholic beverage, or combination of liquors
28 and mixed liquor a part of which is spirituous, vinous,
29 fermented or otherwise alcoholic, including all drinks or
30 drinkable liquids, preparations or mixtures and reused,

1 recovered or redistilled denatured alcohol usable or taxable for
2 beverage purposes which contain more than 0.50% of alcohol by
3 volume, except pure ethyl alcohol and malt or brewed beverages.

4 "Malt or brewed beverages." Any beer, lager beer, ale,
5 porter or similar fermented malt beverage containing 0.50% or
6 more of alcohol by volume, by whatever name such beverage may be
7 called.

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

13 "State-related institution." The Pennsylvania State
14 University, including the Pennsylvania College of Technology,
15 the University of Pittsburgh, Temple University and Lincoln
16 University and their branch campuses.

17 Section 3. Parental and institutional notification.

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

- 27 (1) The name of the dependent student.
- 28 (2) The date and time the violation occurred.
- 29 (3) The location where the violation occurred.
- 30 (4) A description of the violation.

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

6 Section 4. Institution notification.

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

- 14 (1) The name of the dependent student.
- 15 (2) The name and address of the licensee.
- 16 (3) The date and time of the incident.
- 17 (4) A description of the incident.

18 Section 5. Enforcement and penalty.

19 (a) Action to compel compliance.--When the Attorney General
20 has reason to believe that an institution of higher education is
21 violating this act, the Attorney General may bring an action in
22 the name of the Commonwealth against the institution to compel
23 compliance.

24 (b) Civil penalty.--In any action brought by the Attorney
25 General to compel compliance with this act, if the court finds
26 that an institution of higher education fails to promptly comply
27 with an order of the court to comply with this act, the Attorney
28 General, acting in the name of the Commonwealth, may recover on
29 behalf of the Commonwealth a civil penalty of not more than
30 \$10,000.

1 Section 6. Immunity from liability.

2 A campus officer, an employee of an institution of higher
3 education or an institution of higher education that provides
4 notice in good faith pursuant to section 4 shall not be civilly
5 or criminally liable for any decision made, action taken or
6 information disclosed when acting under and according to section
7 4. The good faith of the campus officer, employee of the
8 institution of higher education or the institution of higher
9 education shall be presumed.

10 Section 7. Effective date.

11 This act shall take effect in 60 days.