

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2375

Session of
2006

INTRODUCED BY RAYMOND, ALLEN, BALDWIN, BEBKO-JONES, BIANCUCCI, BISHOP, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, DALLY, DeLUCA, J. EVANS, FRANKEL, FREEMAN, GEIST, GINGRICH, GODSHALL, GOOD, HARHART, HARRIS, HERMAN, HERSHEY, KAUFFMAN, W. KELLER, KILLION, KOTIK, LEDERER, MARKOSEK, MARSICO, MUSTIO, NAILOR, O'NEILL, PAYNE, PETRARCA, PICKETT, QUIGLEY, REICHLEY, ROSS, SIPTROTH, SONNEY, STABACK, E. Z. TAYLOR, TRUE, WATSON, WILT, YOUNGBLOOD, DiGIROLAMO, THOMAS, DONATUCCI, CRUZ, B. SMITH, BEYER, PALLONE AND MELIO, JANUARY 24, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 3, 2006

AN ACT

1 Requiring institutions of higher education to implement alcohol
2 policies; providing for enforcement by the Pennsylvania
3 Liquor Control Board; and prescribing a penalty.

4 The General Assembly finds and declares that:

5 (1) 1,400 college students between the ages of 18 and 24
6 die each year from alcohol misuse.

7 (2) Annually 70,000 college students reported cases of
8 sexual abuse because of alcohol use.

9 (3) There are 600,000 reported cases each year of
10 students being assaulted by someone who was drinking.

11 (4) About one-half million college students sustain
12 unintentional injuries that are blamed on alcohol use each
13 year.

14 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Higher
4 Education Alcohol Policy Act.

5 Section 2. Definitions.

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

9 "Alcohol-related offense." Any of the following offenses:

10 (1) 18 Pa.C.S. § 6308 (relating to purchase,
11 consumption, possession or transportation of liquor or malt
12 or brewed beverages).

13 (2) 18 Pa.C.S. § 6309 (relating to representing that
14 minor is of age).

15 (3) 18 Pa.C.S. § 6310 (relating to inducement of minors
16 to buy liquor or malt or brewed beverages).

17 (4) 75 Pa.C.S. § 3718 (relating to minor prohibited from
18 operating with any alcohol in system).

19 (5) 75 Pa.C.S. § 3802 (relating to driving under
20 influence of alcohol or controlled substance).

21 "Institution of higher education." Any of the following:

22 (1) A State-related university.

23 (2) A university in the State System of Higher
24 Education.

25 (3) A community college.

26 (4) A private university or college in this
27 Commonwealth.

28 Section 3. Implementation of alcohol policy.

29 An institution of higher education shall implement a written
30 alcohol policy in accordance with the provisions of this act and

1 shall distribute the policy to each student at the time of
2 enrollment and ~~the beginning of each semester or period~~ ONCE <—
3 DURING EACH ACADEMIC YEAR THEREAFTER. The institution of higher
4 education shall publish the policy on the Internet website of
5 the institution of higher education.

6 ~~Section 4. Contents.~~ <—

7 ~~The alcohol policy required under this act shall address the~~
8 ~~use, possession or distribution of alcohol to include the~~
9 ~~following:~~

10 ~~(1) A summary of the Commonwealth's liquor laws and~~
11 ~~penalties relating to:~~

12 ~~(i) Underage drinking.~~

13 ~~(ii) Use or alteration of false identification.~~

14 ~~(iii) Furnishing alcoholic beverages to minors.~~

15 ~~(iv) Driving under the influence of alcohol.~~

16 ~~(2) A disciplinary policy for students which includes:~~

17 ~~(i) A review board to determine student disciplinary~~
18 ~~action for on campus and related activities.~~

19 ~~(ii) An educational counseling program relating to~~
20 ~~underage drinking and alcohol treatment programs.~~

21 ~~(iii) Penalties for alcohol related offenses while~~
22 ~~an enrolled student as follows:~~

23 ~~(A) Educational counseling for a first offense.~~

24 ~~(B) Expulsion for one year for a second offense.~~

25 ~~(C) Permanent expulsion for a third offense.~~

26 ~~(iv) Ineligibility for future State funded financial~~
27 ~~grants or scholarships administered through that school~~
28 ~~for repeat violations of the policy.~~

29 ~~Section 5. Penalty.~~

30 ~~An institution of higher education that does not comply with~~

1 ~~this act shall be ineligible for grants from the Alcohol~~
2 ~~Education Bureau of the Pennsylvania Liquor Control Board.~~

3 SECTION 4. INSTITUTION OF HIGHER EDUCATION POLICY REQUIREMENTS. <—

4 THE ALCOHOL POLICY REQUIRED UNDER THIS ACT SHALL INCLUDE, AT
5 A MINIMUM, ALL OF THE FOLLOWING:

6 (1) A SUMMARY OF THE INSTITUTION OF HIGHER EDUCATION'S
7 RULES RELATED TO ALCOHOL VIOLATIONS.

8 (2) A SUMMARY OF THE INSTITUTION'S PENALTIES RELATED TO
9 ALCOHOL VIOLATIONS AND INFORMATION PERTAINING TO THE RIGHTS
10 AND APPEAL PROCESS FOR STUDENTS.

11 (3) A SUMMARY OF ALCOHOL-RELATED COUNSELING AND
12 TREATMENT PROGRAMS PROVIDED BY THE INSTITUTION OF HIGHER
13 EDUCATION.

14 (4) A CONTACT PERSON FOR THE ALCOHOL PROGRAM AT THE
15 INSTITUTION OF HIGHER EDUCATION.

16 SECTION 5. INSTITUTION OF HIGHER EDUCATION DUTIES.

17 EVERY INSTITUTION OF HIGHER EDUCATION:

18 (1) SHALL HAVE IN PLACE A DISCIPLINARY SYSTEM THAT
19 ENSURES STUDENTS DUE PROCESS IN THE CONSIDERATION OF
20 VIOLATIONS OF THE CAMPUS ALCOHOL POLICY.

21 (2) SHALL HAVE AVAILABLE AN EDUCATIONAL COUNSELING
22 PROGRAM THAT IS CAPABLE OF ASSESSING AND REFERRING STUDENTS
23 FOR APPROPRIATE EDUCATIONAL INTERVENTIONS OR TREATMENT.

24 (3) SHALL DEVELOP AN APPROPRIATE RANGE OF SANCTIONS SO
25 THAT STUDENTS FOUND RESPONSIBLE FOR ALCOHOL-RELATED OFFENSES
26 MAY BE ASSIGNED PENALTIES APPROPRIATE TO THE SEVERITY AND
27 FREQUENCY OF THE OFFENSES. PENALTIES SHALL INCLUDE, AT A
28 MINIMUM, THE FOLLOWING:

29 (I) ALCOHOL EDUCATION AND COUNSELING FOR A FIRST
30 OFFENSE.

1 (II) ALCOHOL EDUCATION AND COUNSELING AND PROBATION
2 FOR A SECOND OFFENSE.

3 (III) A ONE-SEMESTER SUSPENSION FROM THE INSTITUTION
4 AND INELIGIBILITY FOR FUTURE STATE-FUNDED FINANCIAL
5 GRANTS OR SCHOLARSHIPS FOR A THIRD OR SUBSEQUENT OFFENSE.

6 (4) SHALL DEVELOP PARENTAL NOTIFICATION POLICY IN
7 ACCORDANCE WITH FEDERAL REQUIREMENTS WHEN THE STUDENT
8 VIOLATES THE SANCTIONS PROVIDED FOR IN PARAGRAPH (3).

9 (5) SHALL ACT TO INTEGRATE ALCOHOL EDUCATION ACTIVITIES
10 THROUGHOUT ACTIVITIES AND EVENTS OF THE INSTITUTION AND
11 PROVIDE SUITABLE ALTERNATIVES FOR STUDENTS WHO MAY
12 PARTICIPATE IN ALCOHOL ABUSE.

13 (6) MAY ESTABLISH AN ALCOHOL/COMMUNITY TASK (ACT) FORCE
14 AND CONDUCT AN ANNUAL MEETING INVOLVING THE INSTITUTION OF
15 HIGHER EDUCATION WHICH MAY INVOLVE COMMUNITY LEADERS. THE
16 INSTITUTION OF HIGHER EDUCATION MAY ALSO INVITE PARTICIPATION
17 OF LIQUOR PROVIDERS IN THIS TASK FORCE.

18 SECTION 6. PROVISION OF ALCOHOL-RELATED OFFENSES SUMMARY TO
19 ENROLLED STUDENTS.

20 A WRITTEN SUMMARY OF THE COMMONWEALTH'S ALCOHOL-RELATED
21 OFFENSES SHALL ANNUALLY BE MADE AVAILABLE TO EACH INSTITUTION OF
22 HIGHER EDUCATION BY THE PENNSYLVANIA STATE POLICE. EACH
23 INSTITUTION OF HIGHER EDUCATION SHALL DISTRIBUTE THE WRITTEN
24 SUMMARY OF THE COMMONWEALTH'S ALCOHOL-RELATED OFFENSES TO EACH
25 STUDENT UPON ENROLLMENT AND ONCE DURING EACH ACADEMIC YEAR
26 THEREAFTER.

27 SECTION 7. REPORTING.

28 EVERY INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE A WRITTEN
29 REPORT, ACCORDING TO GUIDELINES ESTABLISHED BY THE PENNSYLVANIA
30 LIQUOR CONTROL BOARD, ON A BIENNIAL BASIS THAT DESCRIBES THE

1 ALCOHOL VIOLATIONS POLICY OF THE INSTITUTION OF HIGHER EDUCATION
2 AND AN ANALYSIS OF ITS IMPLEMENTATION.

3 SECTION 8. PENALTY.

4 AN INSTITUTION OF HIGHER EDUCATION THAT DOES NOT COMPLY WITH
5 THIS ACT SHALL BE INELIGIBLE FOR GRANTS FROM THE ALCOHOL
6 EDUCATION BUREAU OF THE PENNSYLVANIA LIQUOR CONTROL BOARD.

7 Section ~~6~~ 9. Enforcement.

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8 The Pennsylvania Liquor Control Board shall have the duty to
9 administer and enforce the provisions of this act.

10 Section ~~7~~ 30. Effective date.

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11 This act shall take effect in ~~60~~ 180 days.

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