

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 367 Session of
2009

INTRODUCED BY SIPTROTH, BRENNAN, BROWN, CLYMER, D. COSTA, CRUZ,
DONATUCCI, GROVE, GRUCELA, HESS, KAUFFMAN, W. KELLER, KOTIK,
MILLARD, O'NEILL, QUINN, READSHAW, REICHLEY, SOLOBAY, THOMAS,
TRUE, VULAKOVICH, WALKO, WATSON AND YOUNGBLOOD,
FEBRUARY 11, 2009

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 11, 2009

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 who is charged with maintaining the safety and security of
3 the property of the institution and of the persons on the
4 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 the student's
12 parent or 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 and to apply to itself
17 the designation "college" or "university" as provided for by
18 standards and qualifications prescribed under 24 Pa.C.S. Ch. 65.
19 (relating to private colleges, universities and seminaries).

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

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

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

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

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

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

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

18 Section 3. Parental and institutional notification.

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

28 (1) The name of the dependent student.

29 (2) The date and time the violation occurred.

30 (3) The location where the violation occurred.

1 (4) A description of the violation.

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

7 Section 4. Institution notification.

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

15 (1) The name of the dependent student.

16 (2) The name and address of the licensee.

17 (3) The date and time of the incident.

18 (4) A description of the incident.

19 Section 5. Enforcement and penalty.

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

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

1 \$10,000.

2 Section 6. Immunity from liability.

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

11 Section 7. Effective date.

12 This act shall take effect in 60 days.