

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1749 Session of 2009

INTRODUCED BY DeLUCA, BEYER, BROWN, D. COSTA, CREIGHTON,
HARKINS, HORNAMAN, KOTIK, MAHONEY, MELIO, METZGAR, MOUL,
MURT, PYLE, ROAE, SIPTROTH, STABACK, SWANGER, TRUE,
VULAKOVICH, WATERS AND YOUNGBLOOD, JUNE 22, 2009

REFERRED TO COMMITTEE ON EDUCATION, JUNE 22, 2009

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) Administrators of public and private schools,

intermediate units and area vocational-technical schools shall
require prospective employes 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.
Administrators shall maintain a copy of the required information
and shall require each applicant to produce the original
document prior to employment. Administrators shall require
contractors to produce the original document for each
prospective employe of such contractor prior to employment.

(c) Beginning April 1, 2010, 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. When the applicant provides a copy
of the controlled substances testing report, it shall be dated
after offer of employment has been made. 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
information obtained pursuant to the drug testing mandated by
this act.

(e) No person subject to this act shall be employed in a
public or private school, intermediate unit or area vocational-

1 technical school where the controlled substances testing report
2 indicates the applicant has used a controlled substance without
3 a prescription from a physician.

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