
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1189 Session of
2015

INTRODUCED BY MULLERY, V. BROWN, O'BRIEN, CALTAGIRONE, DAY,
FRANKEL, THOMAS, D. COSTA, PASHINSKI, JAMES, DEASY, MURT AND
COHEN, MAY 12, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, expanding the offense of
3 use of tobacco in schools.

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

6 Section 1. Section 6306.1 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6306.1. Use of tobacco or nicotine product in schools
9 prohibited.

10 (a) Offense defined.--A pupil who possesses or uses tobacco
11 or nicotine product in a school building, a school bus or on
12 school property owned by, leased by or under the control of a
13 school district commits a summary offense.

14 (b) Grading.--A pupil who commits an offense under this
15 section shall be subject to prosecution initiated by the local
16 school district and shall, upon conviction, be sentenced to pay
17 a fine of not more than \$50 for the benefit of the school
18 district in which such offending pupil resides and to pay court

1 costs. When a pupil is charged with violating subsection (a),
2 the court may admit the offender to an adjudication alternative
3 as authorized under 42 Pa.C.S. § 1520 (relating to adjudication
4 alternative program) in lieu of imposing the fine.

5 (c) Nature of offense.--A summary offense under this section
6 shall not be a criminal offense of record, shall not be
7 reportable as a criminal act and shall not be placed on the
8 criminal record of the offending school-age person if any such
9 record exists.

10 (d) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Nicotine product." Any product containing nicotine or any
14 product or formulation of matter containing biologically active
15 amounts of nicotine that is manufactured, sold, offered for sale
16 or otherwise distributed with the expectation that the product
17 or matter will be introduced into the human body. The term shall
18 not include any cessation product specifically approved by the
19 United States Food and Drug Administration for use in reducing,
20 treating or eliminating nicotine or tobacco dependence.

21 "Pupil." A person between the ages of 6 and 21 years who is
22 enrolled in school.

23 "School." A school operated by a joint board, board of
24 directors or school board where pupils are enrolled in
25 compliance with Article XIII of the act of March 10, 1949
26 (P.L.30, No.14), known as the Public School Code of 1949,
27 including area vocational schools and intermediate units.

28 "Tobacco." A lighted or unlighted cigarette, cigar,
29 cigarillo, little cigar, pipe or other lighted smoking product
30 and smokeless tobacco in any form, including chewing tobacco,

1 snuff, dip or dissolvable tobacco pieces.

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