

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2333 Session of 2015

INTRODUCED BY GAINEY, DERMODY, TAYLOR, MILLARD, DEAN, DRISCOLL,
DAVIS, BULLOCK, REGAN, NEILSON, MAHONEY, YOUNGBLOOD AND
GINGRICH, SEPTEMBER 14, 2016

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 14, 2016

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," in terms and courses of study,
6 further providing for Alcohol, Chemical and Tobacco Abuse
7 Program.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1547 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended December 19, 1990 (P.L.1362, No.211), is amended to
13 read:

14 Section 1547. Alcohol, Chemical [and], Tobacco, Prescription
15 Drug and Controlled Substance Misuse and Abuse Program.--(a)
16 Beginning with school year 1991-1992 and each year thereafter,
17 each public school and charter school student shall receive
18 mandatory instruction in alcohol, chemical and tobacco abuse in
19 every year in every grade from kindergarten through grade
20 twelve. Beginning with the 2017-2018 school year, the

1 instruction mandated under this subsection shall include
2 instruction in the misuse and abuse of prescription drugs and
3 controlled substances listed on the schedules of controlled
4 substances under section 4 of the act of April 14, 1972
5 (P.L.233, No.64), known as "The Controlled Substance, Drug,
6 Device and Cosmetic Act," which have a potential for misuse or
7 abuse. The instruction shall be integrated within the health
8 course of study required in accordance with the State Board of
9 Education regulations. In grades where health is offered,
10 instruction may also be integrated into other appropriate
11 courses of study. In grades where health is not offered,
12 instruction shall be integrated into an appropriate curriculum
13 requirement as listed in 22 Pa. Code § 5.4(b).

14 (1) This instruction:

15 (i) Shall be age appropriate.

16 (ii) Shall be sequential in method of study.

17 (iii) Shall discourage the use of alcohol, tobacco [and
18 controlled substances.], prescription drugs and controlled
19 substances listed on the schedules of controlled substances
20 under section 4 of "The Controlled Substance, Drug, Device and
21 Cosmetic Act," which have a potential for misuse or abuse.

22 (iv) Shall communicate that the use and possession of
23 illicit drugs and the improper use of legally obtained drugs [is
24 wrong.], including prescription drugs, is a violation of law
25 subject to criminal prosecution and may result in addiction.

26 (v) Shall include instruction in prescription drug misuse
27 and abuse, including information on the connection between
28 prescription drug misuse and abuse and addiction to illicit
29 drugs, such as heroin.

30 (vi) Shall include prevention strategies designed to prevent

1 early experimentation and use of controlled substances and
2 prescription drugs.

3 (2) School districts may utilize any appropriate public or
4 private materials, personnel and other resources in developing
5 and implementing this program of instruction. The Department of
6 [Health, Office of] Drug and Alcohol Programs[,] shall make
7 available information about appropriate curriculum materials
8 upon request of a school district or charter school. In
9 developing its alcohol, chemical [and], tobacco, controlled
10 substance and prescription drug misuse and abuse instructional
11 program, each school district and charter school shall consult
12 with the single county authority designated by the Department of
13 [Health] Drug and Alcohol Programs to provide drug and alcohol
14 services in the school district's area.

15 (b) Each school district and charter school is hereby
16 authorized to develop and offer programs relating to alcohol,
17 chemical [and], tobacco, controlled substance and prescription
18 drug misuse and abuse for parents of students enrolled in [the
19 public schools] a public school or a charter school. If a school
20 district does develop such programs, they shall be developed in
21 consultation with the single county authority designated by the
22 Department of [Health] Drug and Alcohol Programs to provide drug
23 and alcohol services in the school district's area. Such
24 programs shall be offered at no cost to parents.

25 (c) The Secretary of Education, in consultation with the
26 Secretary of [Health] Drug and Alcohol Programs, shall develop
27 curriculum guidelines for instruction on alcohol, chemical
28 [and], tobacco, controlled substance and prescription drug
29 misuse and abuse and the laws governing their use and misuse.
30 These guidelines shall encourage the inclusion of the following

1 elements where appropriate in the instruction:

2 (1) Detailed factual information regarding the
3 physiological, psychological, sociological and legal aspects of
4 substance abuse.

5 (2) Detailed information regarding the availability of help
6 and assistance for students and their families with alcohol,
7 chemical and tobacco dependency problems.

8 (3) The goals of quality education as set forth in 22 Pa.
9 Code § 5.13(f).

10 (4) Skills needed to evaluate advertisements for and media
11 portrayals of alcohol, chemical and tobacco products and the
12 advertisement and marketing of prescription drugs.

13 (5) Detailed instruction on the need for and the role of
14 lawful authority and law-abiding behavior, including interaction
15 with members of the legal and justice community.

16 (6) Detailed instruction on the misuse and abuse of
17 prescription drugs, including opioid analgesics and other
18 controlled substances approved for medical use that have the
19 potential for misuse or abuse.

20 (7) Detailed factual information on the availability and use
21 of opioid antagonists and opioid abuse prevention and treatment.

22 (d) (1) Beginning with the 1991-1992 school year and each
23 year thereafter, the Secretary of Education, in consultation
24 with the Secretary of [Health] Drug and Alcohol Programs, shall
25 make available[,] to all school districts, including charter
26 schools in such school districts, and intermediate units, in-
27 service training programs based upon the instruction
28 requirements established in subsection (a) and the curriculum
29 guidelines established in subsection (c). The programs shall
30 provide preparation for the teaching of mandated instruction in

1 alcohol, chemical and tobacco abuse. The in-service programs may
2 utilize the single county authorities designated by the
3 Department of [Health] Drug and Alcohol Programs or such other
4 institutions, agencies or persons as the Secretary of Education,
5 in consultation with the Secretary of Drug and Alcohol Programs,
6 deems appropriate.

7 (2) Beginning with the 2017-2018 school year and each school
8 year thereafter, the in-service training programs made available
9 to school districts, including charter schools in such school
10 districts, and intermediate units in accordance with paragraph
11 (1) shall include information necessary to prepare for the
12 teaching of mandated instruction in illicit drugs, risks of
13 addiction and the misuse and abuse of prescription drugs,
14 including opioid analgesics and other controlled substances
15 approved for medical use that have a potential for misuse or
16 abuse.

17 (e) (1) Beginning with the 1991-1992 school year, each
18 school district shall provide, as part of its in-service
19 training, programs on alcohol, drugs, tobacco and dangerous
20 controlled substances for all instructors whose teaching
21 responsibilities include courses of study in which mandated
22 instruction concerning alcohol, chemical and tobacco abuse is
23 integrated. To comply with this requirement, a school district
24 may utilize the programs made available by the Department of
25 Education or use other alternative programs.

26 (2) Beginning with the 2017-2018 school year, the in-service
27 training programs provided by each school district pursuant to
28 paragraph (1) shall incorporate instruction on prescription
29 drugs, including opioid analgesics and other controlled
30 substances approved for medical use that have a potential for

1 misuse and abuse. The Department of Education, in consultation
2 with the Department of Drug and Alcohol Programs, shall develop
3 the curriculum guidelines based on the instruction requirements
4 established in subsection (a)(1)(iii) and (v) and the curriculum
5 guidelines established in subsection (c)(4), (6) and (7). A
6 school district may utilize programs made available by the
7 Department of Education, the Department of Drug and Alcohol
8 Programs, the Federal Government or any other alternative
9 program as approved by the Secretary of Education, in
10 consultation with the Department of Drug and Alcohol Programs.

11 (f) The governing board of each intermediate unit in which a
12 nonpublic school is located shall have the authority and the
13 duty to loan to all students attending nonpublic schools within
14 the intermediate unit all educational materials developed by
15 either the Department of Education or the Department of [Health]
16 Drug and Alcohol Programs, pursuant to this act for the
17 instruction of public school students and charter school
18 students on the nature and effects of drugs, alcohol, tobacco
19 [and dangerous], prescription drugs and controlled substances[.]
20 listed on the schedules of controlled substances under section 4
21 of "The Controlled Substance, Drug, Device and Cosmetic Act,"
22 which have a potential for misuse or abuse. Local school boards
23 need not expend funds which are not provided by either the
24 Federal or State Government for drug education programs for the
25 use or loan of these materials. A nonpublic school may utilize
26 the in-service training programs made available by the
27 Department of Education through the intermediate unit.

28 (g) On or before June 1, [1991] 2017, the Secretary of
29 Education shall recommend to the General Assembly a plan to
30 require and assist each school district to establish and

1 maintain a program to provide appropriate counseling and support
2 services to students who experience problems related to the use
3 of drugs, alcohol [and dangerous], prescription drugs and
4 controlled substances[.] listed on the schedules of controlled
5 substances under section 4 of "The Controlled Substance, Drug,
6 Device and Cosmetic Act," which have a potential for misuse or
7 abuse.

8 (h) On or before June 1, [1992] 2018, the Secretary of
9 Education shall report to the General Assembly concerning the
10 [1991-1992] 2017-2018 school year activities of the Department
11 of Education pertaining to the provisions of this section and
12 concerning proposed [1992-1993] 2018-2019 school year activities
13 of the Department of Education pertaining to this section.

14 (i) The State Board of Education shall adopt rules and
15 regulations necessary for the implementation of this section.

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