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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 121 Session of  
2017

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INTRODUCED BY KAUFER, READSHAW, FEE, DRISCOLL, TAYLOR, MURT,  
RADER, PICKETT, KAVULICH, DAVIS, MULLERY, NELSON, McNEILL,  
LONGIETTI, WATSON, BOBACK, SIMMONS, SAYLOR, CUTLER AND COOK,  
FEBRUARY 3, 2017

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REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 3, 2017

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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, is  
12 amended to read:

13 Section 1547. Alcohol, [Chemical and] Tobacco and Other Drug  
14 Abuse Program.--(a) Beginning with school year 1991-1992 and  
15 each year thereafter, each public school student shall receive  
16 mandatory instruction in alcohol, [chemical and] tobacco and  
17 other drug abuse in every year in every grade from kindergarten  
18 through grade twelve. The instruction shall be integrated within  
19 the health course of study required in accordance with the State

1 Board of Education regulations. In grades where health is  
2 offered, instruction may also be integrated into other  
3 appropriate courses of study. In grades where health is not  
4 offered, instruction shall be integrated into an appropriate  
5 curriculum requirement as listed in 22 Pa. Code § 5.4(b).

6 (1) This instruction:

7 (i) Shall be age appropriate.

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

9 (iii) Shall discourage the use of alcohol, tobacco and  
10 controlled substances.

11 [(iv) Shall communicate that the use of illicit drugs and  
12 the improper use of legally obtained drugs is wrong.]

13 (v) Shall create a program with the goal of reducing or  
14 eliminating the incidence and prevalence of student alcohol,  
15 tobacco and other drug abuse.

16 (vi) Shall communicate opioid abuse prevention, with an  
17 emphasis on the prescription drug epidemic and the connection  
18 between prescription opioid abuse and addiction to other drugs,  
19 including heroin.

20 (vii) Shall increase the knowledge and skills of students  
21 for avoiding the harmful effects of alcohol, tobacco and other  
22 drug use.

23 (2) [School districts] Each school district may provide a  
24 comprehensive program of prevention and may utilize any  
25 appropriate public or private materials, personnel and other  
26 resources in developing and implementing this program of  
27 instruction[.] and prevention. School districts are encouraged  
28 to use interactive materials to maximize group interactions with  
29 prevention programs with the involvement of community components  
30 including, but not limited to, the use of self-help groups. The

1 Department of [Health, Office of] Drug and Alcohol Programs,  
2 shall make available information about appropriate curriculum  
3 materials and the creation of a comprehensive program of  
4 prevention upon request of a school district. In developing its  
5 alcohol, [chemical and] tobacco and other drug abuse  
6 instructional program, each school district shall consult with  
7 the single county authority designated by the Department of  
8 [Health] Drug and Alcohol Programs to provide drug and alcohol  
9 services in the school district's area.

10 (b) Each school district is hereby authorized to develop and  
11 offer programs relating to alcohol, [chemical and] tobacco and  
12 other drug abuse for parents of students enrolled in the public  
13 schools. If a school district does develop such programs, they  
14 shall be developed in consultation with the single county  
15 authority designated by the Department of [Health] Drug and  
16 Alcohol Programs to provide drug and alcohol services in the  
17 school district's area. Such programs shall be offered at no  
18 cost to parents.

19 (c) The Secretary of Education, in consultation with the  
20 Secretary of [Health] Drug and Alcohol Programs, shall develop  
21 curriculum guidelines for instruction on alcohol, [chemical and]  
22 tobacco and other drug abuse and the laws governing their use  
23 and misuse. These guidelines shall encourage the inclusion of  
24 the following elements where appropriate in the instruction:

25 (1) Detailed factual information regarding the  
26 physiological, psychological, sociological and legal aspects of  
27 substance abuse.

28 (2) Detailed information regarding the availability of help  
29 and assistance for students and their families with alcohol,  
30 [chemical and] tobacco and other drug dependency problems, \_

1 including prescription opioid abuse.

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

4 (4) Skills needed to evaluate advertisements for and media  
5 portrayals of alcohol, [chemical and] tobacco and other drug  
6 products.

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

10 (d) Beginning with the 1991-1992 school year and each year  
11 thereafter, the Secretary of Education, in consultation with the  
12 Secretary of [Health] Drug and Alcohol Programs, shall make  
13 available, to all school districts and intermediate units, in-  
14 service training programs based upon the instruction  
15 requirements established in subsection (a) and the curriculum  
16 guidelines established in subsection (c). The programs shall  
17 provide preparation for the teaching of mandated instruction in  
18 alcohol, [chemical and] tobacco and other drug abuse. The in-  
19 service programs may utilize the single county authorities  
20 designated by the Department of [Health] Drug and Alcohol  
21 Programs or such other institutions, agencies or persons as the  
22 Secretary of Education deems appropriate.

23 (e) Beginning with the 1991-1992 school year, each school  
24 district shall provide, as part of its in-service training,  
25 programs on alcohol, drugs, tobacco and dangerous controlled  
26 substances for all instructors whose teaching responsibilities  
27 include courses of study in which mandated instruction  
28 concerning alcohol, [chemical and] tobacco and other drug abuse  
29 is integrated. To comply with this requirement, a school  
30 district may utilize the programs made available by the

1 Department of Education or use other alternative programs.

2 (f) The governing board of each intermediate unit in which a  
3 nonpublic school is located shall have the authority and the  
4 duty to loan to all students attending nonpublic schools within  
5 the intermediate unit all educational materials developed by  
6 either the Department of Education or the Department of [Health]  
7 Drug and Alcohol Programs, pursuant to this act for the  
8 instruction of public school students on the nature and effects  
9 of drugs, alcohol, tobacco and dangerous controlled substances.  
10 Local school boards need not expend funds which are not provided  
11 by either the Federal or State Government for drug education  
12 programs for the use or loan of these materials. A nonpublic  
13 school may utilize the in-service training programs made  
14 available by the Department of Education through the  
15 intermediate unit.

16 (g) On or before June 1, 1991, the Secretary of Education  
17 shall recommend to the General Assembly a plan to require and  
18 assist each school district to establish and maintain a program  
19 to provide appropriate counseling and support services to  
20 students who experience problems related to the use of drugs,  
21 alcohol and dangerous controlled substances.

22 [(h) On or before June 1, 1992, the Secretary of Education  
23 shall report to the General Assembly concerning the 1991-1992  
24 school year activities of the Department of Education pertaining  
25 to the provisions of this section and concerning proposed 1992-  
26 1993 school year activities of the Department of Education  
27 pertaining to this section.]

28 (h.1) By June 1, 2019, and by June 1 every fifth year  
29 thereafter, the Department of Education, in consultation with  
30 the Department of Drug and Alcohol Programs, shall report to the

1 General Assembly concerning the preceding school year activities  
2 of the Department of Education and the Department of Drug and  
3 Alcohol Programs pertaining to the provisions of this section.

4 The report shall include:

5 (1) A plan to assist school districts in establishing a  
6 comprehensive program of prevention, including the coordination  
7 of self-help groups.

8 (2) An evaluation of the effectiveness of the program in  
9 reducing the use of alcohol, tobacco and other drugs, including  
10 prescription opioids, by students.

11 (3) A plan to actively involve staff, students, parents and  
12 other community members in the development and implementation of  
13 the program.

14 (4) A plan by the Department of Education to ensure  
15 educational staff members have the most current information  
16 available on the subject of substance abuse and on the school  
17 district's comprehensive alcohol, tobacco and other drug abuse  
18 programs.

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

21 Section 2. The amendment of section 1547(a), (d) and (e) of  
22 the act shall apply to the 2018-2019 school year and each school  
23 year thereafter.

24 Section 3. This act shall take effect in 60 days.