

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 37 Session of 2019

INTRODUCED BY SCHWANK, FONTANA, SANTARSIERO, FARNESE, STREET,
BREWSTER, HUGHES AND COSTA, JANUARY 11, 2019

REFERRED TO EDUCATION, JANUARY 11, 2019

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 policy for alcohol and
6 drug use amnesty at certain institutions of higher education.

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 an
11 article to read:

12 ARTICLE XX-I

13 MISCELLANEOUS PROVISIONS

14 FOR INSTITUTIONS OF HIGHER EDUCATION

15 Section 2001-I. (Reserved).

16 Section 2002-I. Policy for alcohol and drug use amnesty.

17 (a) General rule.--A postsecondary institution shall adopt
18 and implement the following policy as part of the postsecondary
19 institution's code of conduct:

20 The health and safety of every student at {Institution}

1 is of utmost importance. {Institution} recognizes that
2 students who have been drinking or using drugs, whether
3 such use is voluntary or involuntary, at the time that
4 violence, including, but not limited to, domestic
5 violence, dating violence, stalking or sexual assault
6 occurs may be hesitant to report such incidents due to
7 fear of potential consequences for their own conduct.
8 {Institution} strongly encourages students to report
9 domestic violence, dating violence, stalking or sexual
10 assault to {Institution} officials. A bystander acting in
11 good faith or a reporting individual acting in good faith
12 that discloses any incident of domestic violence, dating
13 violence, stalking or sexual assault to {Institution}
14 officials or law enforcement will not be subject to
15 {Institution's} code of conduct action for violations of
16 alcohol or drug use policies occurring at or near the
17 time of the commission of the domestic violence, dating
18 violence, stalking or sexual assault.

19 (b) Construction.--Nothing in this section shall be
20 construed to limit the ability of a postsecondary institution to
21 provide amnesty in circumstances other than those specified in
22 subsection (a).

23 (c) Definition.--For purposes of this section,
24 "postsecondary institution" shall include an independent
25 institution of higher education, a public institution of higher
26 education and State-related institutions as defined in section
27 2001-C.

28 Section 2. This act shall take effect in 90 days.