

No. 2000-128

AN ACT

HB 819

Amending the act of April 27, 1927 (P.L.465, No.299), entitled, as amended, "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, the Department of Health, boards of school directors and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," further providing for school tobacco control; and making a repeal.

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

Section 1. Section 3.5 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, added December 21, 1988 (P.L.1315, No.168), is reenacted and amended to read:

Section 3.5. School Tobacco Control.—(a) *(1) Tobacco use or possession by pupils is prohibited in school buildings; and [school buses] on buses, vans or other vehicles owned by, leased by or under the control of a school district; and on [school] property owned by, leased by or under the control of a school district.*

(2) Tobacco use by any person other than a pupil is prohibited in school buildings; and on buses, vans or other vehicles owned by, leased by or under the control of a school district; and on property owned by, leased by or under the control of a school district.

(3) The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco use by persons other than pupils is permitted. Such areas shall be no less than fifty (50) feet from school buildings, stadiums or bleachers.

(b) *(1) The board of school directors [may designate smoking areas for employees and] shall establish policy to enforce the prohibition of tobacco use under this section[,] and may further establish policy relating to tobacco use at school-sponsored events which are held off school premises.*

(2) The board of school directors shall notify employees, [students] pupils and parents of the policy developed in subsection (b)(1) by publishing the information in a student handbook and parent newsletter[,] and on posters or other efficient means.

(b.1) An offense under this section shall be deemed an offense under 18 Pa.C.S. § 6306.1 (relating to use of tobacco in schools prohibited).

(c) This section supersedes any municipal ordinance or school board regulation to the contrary.

(d) Notwithstanding the provisions of section 15, this section shall apply throughout this Commonwealth.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Adult education program” means any general extension education services provided and administered by a school board of directors under Article XIX of the act of March 10, 1949 (P.L.30, No.14), known as the “Public School Code of 1949,” an adult literacy program offered pursuant to the act of October 22, 1986 (P.L.1452, No.143), known as the “Pennsylvania Adult Basic and Literacy Education Act,” or any other program for adults approved by a school board of directors.

“Pupil” means a person who is at least six (6) years of age but not more than twenty-one (21) years of age and who is enrolled in a school. For purposes of this section, this definition shall not include an individual eighteen (18) years of age or older who is enrolled in an adult education program.

“School” means a school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the “Public School Code of 1949.” The term includes elementary schools, secondary schools, area vocational-technical schools and intermediate units.

“Smoking” includes possession of a lighted cigarette, cigar, pipe or other lighted smoking equipment.

“Tobacco use” includes smoking and the use of smokeless tobacco in any form.]

“Tobacco” includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.

Section 2. As much of section 1102(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, as repeals section 15.1 of the act is repealed.

Section 3. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) Section 2 of this act.
 - (ii) This section.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE