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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 871 Session of  
2017

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INTRODUCED BY SCHWANK, LEACH, SABATINA, FONTANA, BREWSTER,  
FARNESE, BAKER, BROWNE, YUDICHAK AND RAFFERTY,  
SEPTEMBER 15, 2017

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REFERRED TO EDUCATION, SEPTEMBER 15, 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," 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-H

13 MISCELLANEOUS PROVISIONS

14 FOR INSTITUTIONS OF HIGHER EDUCATION

15 Section 2001-H. (Reserved).

16 Section 2002-H. 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:

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

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

24 (c) Definition.--For purposes of this section,  
25 "postsecondary institution" shall include an independent  
26 institution of higher education, a public institution of higher  
27 education and State-related institutions as defined in section  
28 2001-C.

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