

Effective: July 1, 2020

18 Pa.C.S.A. § 6306.1

§ 6306.1. Use of tobacco products in schools prohibited

(a) Pupils.--A pupil commits a summary offense if the pupil possesses or uses a tobacco product:

- (1) in a school building;
- (2) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
- (3) on school property owned by, leased by or under the control of a school district.

(a.1) Other persons.--

(1) Any person, other than a pupil, commits a summary offense if the person uses a tobacco product:

- (i) in a school building;
- (ii) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
- (iii) on school property owned by, leased by or under the control of a school district.

(2) 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 product use by persons other than pupils is permitted. The areas must be no less than 50 feet from school buildings, stadiums or bleachers.

(a.2) Policy.--

- (1) The board of school directors shall establish a policy to enforce the prohibition of tobacco product use under this section and may further establish policy relating to tobacco product use at school-sponsored events that are held off school premises.
- (2) The board of school directors shall notify employees, pupils and parents of the policy developed in accordance with paragraph (1) by publishing the information in a student handbook and parent newsletter and on posters or other efficient means.

(b) Grading.--A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than \$50 for the benefit of the school district in which such offending pupil resides and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under [42 Pa.C.S. § 1520](#) (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.--A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

(c.1) Preemption.--This section preempts any municipal ordinance or school board regulation to the contrary.

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

“Electronic cigarette.” An electronic device that delivers nicotine or other substances through vaporization and inhalation.

“Electronic nicotine delivery system” or “ENDS.” A product or device used, intended for use or designed for the purpose of ingesting a nicotine product. The term includes an electronic cigarette.

“Nicotine product.” A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

“Pupil.” A person between the ages of 6 and 21 years who is enrolled in school.

“School.” 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),¹ known as the Public School Code of 1949, including a career and technical school, charter school and intermediate unit.

“Tobacco product.” As follows:

(1) The term includes:

(i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.

(ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

(iii) Any product containing, made or derived from either:

(A) Tobacco, whether in its natural or synthetic form; or

(B) Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

(iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:

(i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

(ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L. 84, No. 16),² known as the Medical Marijuana Act.