

No. 1984-67

## AN ACT

SB 672

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity of school officers or employees relating to drug or alcohol abuse; and providing for limitation of time for bringing an action where infancy, insanity or imprisonment is involved.

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

Section 1. Section 5533 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5533. Infancy, insanity or imprisonment.

(a) *General rule.*—Except as otherwise provided by statute, [infancy,] insanity or imprisonment does not extend the time limited by this subchapter for the commencement of a matter.

(b) *Infancy.*—*If an individual entitled to bring a civil action is an unemancipated minor at the time the cause of action accrues, the period of minority shall not be deemed a portion of the time period within which the action must be commenced. Such person shall have the same time for commencing an action after attaining majority as is allowed to others by the provisions of this subchapter. As used in this subsection the term “minor” shall mean any individual who has not yet attained the age of 18.*

Section 2. Title 42 is amended by adding a section to read:

§ 8337. *Civil immunity of school officers or employees relating to drug or alcohol abuse.*

(a) *General rule.*—*Any officer or employee of a school who, in the scope of official duty, reports drug or alcohol abuse involving a student to another officer or employee of the school, to a parent, legal guardian or spouse of the student or who refers a student for treatment or counseling or for disciplinary action by school authorities relating to drug or alcohol abuse shall not be liable to the student or the parents, legal guardian or spouse of the student for civil damages as a result of any negligent statements, acts or omissions undertaken in good faith for the purposes set forth in this section. This subsection shall also apply to school authorities who have been designated to handle disciplinary cases for negligent statements, acts or omissions undertaken in good faith in reporting a student for drug or alcohol abuse to a law enforcement officer in accordance with school policy or procedures and based upon a reasonable belief that a crime has been, is being or will be committed. This subsection does not apply to any statement, acts or omissions which are intentionally designed to harm or which are grossly negligent and result in harm to the student.*

(b) *Definitions.*—*As used in this section the following words and phrases shall have the meanings given to them in this subsection:*

**“Drug and alcohol abuse.”** *The unauthorized use, possession or distribution of:*

(1) *Alcohol, as defined in the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.*

(2) *Any controlled substance, drug, drug paraphernalia or counterfeit drug as defined in the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, or the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.*

*The term includes any act prohibited under section 8 of the Pharmacy Act or section 13(a)(15) or (16) of The Controlled Substance, Drug, Device and Cosmetic Act.*

**“Officer or employee of a school.”** *A school director, principal, superintendent, teacher, guidance counselor, support staff member or other educational or medical employee employed in a day or residential school which provides preschool, kindergarten, elementary or secondary education in this Commonwealth, at either a public or nonpublic school.*

(c) *Political subdivision tort claims.—This section shall not reduce or impair the protections afforded by Subchapter C of Chapter 85 (relating to actions against local parties).*

Section 3. This act shall take effect in 30 days.

APPROVED—The 30th day of May, A. D. 1984.

DICK THORNBURGH