

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1237 Session of 2023

INTRODUCED BY JOZWIAK, STAATS, M. MACKENZIE, SMITH, HAMM, JAMES, M. JONES, KAUFFMAN, ROWE, GLEIM, ZIMMERMAN AND KEEFER, MAY 24, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 24, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in powers and duties of the Department of Health
 22 and its departmental administrative and advisory boards,
 23 further providing for Advisory Health Board; and abrogating a
 24 regulation.

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

27 Section 1. Section 2111 of the act of April 9, 1929
 28 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 amended to read:

2 Section 2111. Advisory Health Board.--The Advisory Health
3 Board shall have the power, and its duty shall be as follows:

4 (a) To advise the Secretary of Health on such matters as
5 [he] the Secretary of Health may bring before it[;].

6 (b) To make such reasonable rules and regulations, not
7 contrary to law, as may be deemed by the board necessary for the
8 prevention of disease, and for the protection of the lives and
9 health of the people of the Commonwealth, and for the proper
10 performance of the work of the Department of Health, and such
11 rules and regulations, when made by the board, shall become the
12 rules and regulations of the department[;].

13 (c.1) [The] In accordance with subsections (e) and (f), the
14 Advisory Health Board shall make and from time to time revise a
15 list of such communicable diseases against which children shall
16 be required to be immunized as a condition of attendance at any
17 public, private, or parochial school, including any kindergarten
18 or prekindergarten program or child care group setting located
19 in or operated by the school, in the Commonwealth. Such list
20 shall be promulgated by the Secretary of Health along with such
21 rules and regulations as may be necessary to insure that such
22 immunization be timely, effective and properly verified[;].

23 (d) To prescribe minimum health activities and minimum
24 standards of performance of health services for counties or
25 other political subdivisions.

26 (e) The Advisory Health Board may not revise the list of
27 communicable diseases under subsection (c.1) to include a
28 communicable disease for which a vaccination has not been fully
29 approved for use under Federal law. A vaccination that only has
30 received emergency use authorization, conditional approval or

1 any other authorization less than full approval under Federal
2 law may not be deemed to be fully approved under this
3 subsection.

4 (f) The Secretary of Health may not promulgate rules and
5 regulations under this section or section 2102(g) (relating to
6 general health administration) for a communicable disease for
7 which a vaccination has not been fully approved for use under
8 Federal law. A vaccination that only has received emergency use
9 authorization, conditional approval or any other authorization
10 less than full approval under Federal law may not be deemed to
11 be fully approved under this subsection.

12 Section 2. The provisions of 28 Pa. Code § 23.83(b)
13 (relating to immunization requirements) are abrogated insofar as
14 they are inconsistent with the amendment of section 2111 of the
15 act.

16 Section 3. This act shall take effect immediately.