
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1313 Session of
2023

INTRODUCED BY HANBIDGE, HILL-EVANS, MADDEN, SANCHEZ, GUENST,
BOROWSKI AND FLEMING, JUNE 5, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 5, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in local organizations and services,
3 providing for public meetings during emergencies.

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

6 Section 1. Chapter 75 of Title 35 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 PUBLIC MEETINGS DURING EMERGENCIES

10 Sec.

11 7521. Scope of subchapter.

12 7522. Definitions.

13 7523. Applicability and effect of subchapter.

14 7524. Authorization for virtual meeting.

15 7525. Conduct of virtual meeting.

16 7526. Public observation.

17 7527. Public participation.

18 7528. Notice.

1 7529. Rulemaking authority.

2 § 7521. Scope of subchapter.

3 This subchapter relates to public meetings during
4 emergencies.

5 § 7522. Definitions.

6 The following words and phrases when used in this subchapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Electronic." Relating to technology having electrical,
10 digital, magnetic, wireless, optical, electromagnetic or similar
11 capabilities.

12 "Emergency declaration." A declaration of emergency issued
13 by the Governor, governing body of a political subdivision or
14 Federal law.

15 "Meeting." A prearranged gathering of a public body that is
16 attended or participated in by a quorum of the members of the
17 public body held for the purpose of deliberating public body
18 business or taking official action.

19 "Observe." Listen to or watch, or both, whether or not
20 permitted to participate.

21 "Participate." Speak or submit a comment.

22 "Person." An individual, estate, business, nonprofit entity,
23 government, governmental subdivision, agency, instrumentality or
24 other legal entity.

25 "Political subdivision." A county, city, borough,
26 incorporated town or township of this Commonwealth.

27 "Public body." An entity subject to the provisions of 65
28 Pa.C.S. Ch. 7 (relating to open meetings). The term does not
29 include the General Assembly or agency of the General Assembly.

30 "Record." Information inscribed on a tangible medium or

1 stored in an electronic or other medium and retrievable in
2 perceivable form.

3 "Special meeting." A meeting scheduled by a public body
4 after the public body's regular schedule of meetings has been
5 established.

6 "Virtual meeting." A meeting of a public body during at
7 least part of which one or more members of the public body
8 attend by electronic means.

9 § 7523. Applicability and effect of subchapter.

10 (a) Applicability.--This subchapter shall apply to the
11 conduct of a virtual meeting only while an emergency declaration
12 is in effect.

13 (b) Effect on other law.--This subchapter shall not limit or
14 supersede any other provision of law authorizing a public body
15 to permit a member of the public body to participate, or a
16 member of the public to observe or participate in, by electronic
17 means, a meeting of the public body, whether or not an emergency
18 declaration is in effect.

19 (c) Electronic Signatures in Global and National Commerce
20 Act.--

21 (1) Except as provided in paragraph (2), this subchapter
22 modifies, limits or supersedes 15 U.S.C. Ch. 96 (relating to
23 electronic signatures in global and national commerce).

24 (2) This subchapter does not:

25 (i) modify, limit or supersede 15 U.S.C. § 7001(c)
26 (relating to general rule of validity); or

27 (ii) authorize electronic delivery of any of the
28 notices described in 15 U.S.C. § 7003(b) (relating to
29 specific exceptions).

30 § 7524. Authorization for virtual meeting.

1 (a) Conditions.--A public body may conduct a virtual meeting
2 while an emergency declaration, which applies to all or part of
3 the jurisdiction of the public body, is in effect if:

4 (1) the emergency declaration prohibits, limits or has
5 the effect of prohibiting or limiting an in-person meeting of
6 the public body; or

7 (2) the presiding officer of the public body or other
8 individual authorized to act for the public body:

9 (i) determines it is not practical or prudent for
10 the public body to conduct an in-person meeting because
11 of the emergency;

12 (ii) communicates to the members of the public body
13 that the meeting will be a virtual meeting; and

14 (iii) takes reasonable steps to inform members of
15 the public that the meeting will be a virtual meeting.

16 (b) Effect.--An action taken in a virtual meeting that
17 complies with this subchapter has the same effect as an action
18 taken in an in-person meeting of the public body.

19 (c) Other law.--Other law that applies to an in-person
20 meeting of a public body applies, to the extent practicable, to
21 a virtual meeting.

22 § 7525. Conduct of virtual meeting.

23 (a) Assistive technology.--A public body conducting a
24 virtual meeting, to the extent practicable, shall conduct the
25 meeting using a means compatible with assistive technology that
26 is commonly used by individuals with disabilities and that
27 facilitates the accommodation needs of individuals with
28 disabilities to access the meeting.

29 (b) Conditions generally.--Except as provided in subsections
30 (c) and (d), the means used to conduct a virtual meeting must

1 permit each member of the public body who attends the meeting,
2 contemporaneously and throughout the meeting, to see and hear,
3 and to be seen and heard by, the other members of the public
4 body who attend the meeting.

5 (c) Audio access.--If a member of a public body is unable to
6 obtain visual access to the virtual meeting but is able to
7 obtain audio access that permits the member contemporaneously
8 and throughout the meeting to hear and be heard by the other
9 members of the public body who attend the meeting, the member
10 may attend the meeting by audio access.

11 (d) Capacity.--If a public body lacks the capacity to
12 provide contemporaneous visual access to a virtual meeting for
13 members of the public body, the public body may conduct the
14 meeting by audio-only access that permits each member of the
15 public body who attends the meeting, contemporaneously and
16 throughout the meeting, to hear and be heard by the other
17 members of the public body who attend the meeting.

18 (e) Deemed presence.--A member of a public body who attends
19 a virtual meeting is considered present for all purposes,
20 including for determination of a quorum and voting, if
21 contemporaneously and throughout the meeting the member can:

22 (1) for a meeting conducted in compliance with
23 subsection (b), see and hear and be seen and heard by the
24 other members of the public body who attend the meeting; or

25 (2) for a meeting conducted in compliance with
26 subsection (c) or (d), hear and be heard by the other members
27 of the public body who attend the meeting.

28 (f) Requirement to state name.--A member of a public body
29 who attends a virtual meeting through electronic means that
30 provide audio-only access to the meeting shall state the

1 member's name each time the member speaks. A member's failure to
2 state the member's name does not invalidate an action taken in
3 the virtual meeting.

4 (g) Vote.--A vote taken in a virtual meeting must be by a
5 process that identifies the vote of each member of the public
6 body.

7 (h) Minutes.--The minutes of a virtual meeting must:

8 (1) Report any vote taken.

9 (2) State that the meeting was conducted by electronic
10 means.

11 (3) Identify the technology used.

12 (4) Identify the members of the public body who attended
13 by electronic means.

14 § 7526. Public observation.

15 (a) Open meetings.--If the provisions of 65 Pa.C.S. Ch. 7
16 (relating to open meetings) require that the public be able to
17 observe contemporaneously all or part of a meeting of a public
18 body:

19 (1) the public body shall permit the public to observe
20 contemporaneously a virtual meeting, or the part of a virtual
21 meeting that would be required to be open to the public if it
22 were an in-person meeting; and

23 (2) the public body shall provide technological means to
24 allow members of the public who observe the virtual meeting
25 to see and hear or, if the public body conducts the meeting
26 by audio-only access under section 7525(d) (relating to
27 conduct of virtual meeting), to hear members of the public
28 body and members of the public authorized by the public body
29 to speak in the meeting.

30 (b) Availability of records.--A document, exhibit or other

1 record presented to a public body in a virtual meeting that
2 under 65 Pa.C.S. Ch. 7 would have been available to the public
3 at an in-person meeting must be made available to the public,
4 including members of the public observing or participating in a
5 virtual meeting under section 7527 (relating to public
6 participation), contemporaneously with the virtual meeting to
7 the extent practicable.

8 § 7527. Public participation.

9 (a) Participation.--If law of this Commonwealth or a
10 political subdivision or a rule, practice or procedure adopted
11 by the public body requires that members of the public be
12 permitted to participate in a meeting of the public body, the
13 public body, to the extent practicable, shall permit members of
14 the public to participate in a virtual meeting, subject to
15 conditions that apply to an in-person meeting of the public
16 body.

17 (b) Speaking and hearing at meeting.--If members of the
18 public are permitted to speak in a virtual meeting, the
19 technology used to conduct the meeting must permit members of
20 the public body and members of the public attending the meeting
21 to hear the members of the public who speak in the meeting.

22 (c) Written comments.--If members of the public are
23 permitted to participate in a virtual meeting, they may submit
24 written comments which shall be read aloud during the meeting.
25 Written comments may be submitted to the public body's physical
26 address through United States mail or to an email account
27 designated by the public body to receive the comments.

28 (d) Rights and interests.--If a public body considers in a
29 virtual meeting a matter affecting the right or interest of a
30 person entitled by other law of this Commonwealth or a political

1 subdivision or by rule of the public body to participate,
2 present evidence or examine or cross-examine witnesses in an in-
3 person meeting, the public body shall permit the person to use
4 the same technology that the public body uses to conduct the
5 virtual meeting, or provide equivalent access, to participate,
6 present evidence or examine or cross-examine witnesses in the
7 virtual meeting.

8 (e) Objection and determination.--A person to which
9 subsection (d) applies may object that the virtual meeting does
10 not allow the person effectively to protect the person's right
11 or interest. The public body shall consider the objection and
12 may proceed with the matter in the virtual meeting if the public
13 body determines the virtual meeting will allow the person
14 effectively to protect the right or interest. The public body
15 shall state in a record the determination and the reason for the
16 determination.

17 § 7528. Notice.

18 (a) Method and timing.--In addition to any other requirement
19 concerning notice that a public body must give for a meeting of
20 the public body, the public body must notify the public
21 regarding a virtual meeting via the public body's publicly
22 accessible Internet website or in an advertisement in a
23 newspaper of general circulation, or both, at least three days
24 prior to a regular public meeting and at least 24 hours prior to
25 a special meeting or rescheduled meeting.

26 (b) Contents.--Notice of a virtual meeting must specify:

27 (1) That the meeting will be a virtual meeting.

28 (2) The technology to be used for the meeting.

29 (3) How members of the public can observe the meeting
30 contemporaneously under section 7526 (relating to public

1 observation).

2 (4) If permitted under section 7527 (relating to public
3 participation), how members of the public can participate,
4 present evidence or examine or cross-examine witnesses in the
5 meeting.

6 (5) How a member of the public can alert the public body
7 of a technical problem preventing the member from accessing
8 the meeting.

9 (6) How a reasonable accommodation can be requested by
10 or for a member of the public with a disability.

11 § 7529. Rulemaking authority.

12 A public body may adopt rules for conducting a virtual
13 meeting under this subchapter. The rules may include:

14 (1) The means by which the public body will inform
15 members of the public that a virtual meeting will be held.

16 (2) The effect of a technical problem that interferes
17 with a virtual meeting or access to the meeting by a member
18 of the public body or the public.

19 (3) The means by which a record considered in a virtual
20 meeting is made available to the public body and, if required
21 by other law, the public.

22 (4) The means for access to a virtual meeting by an
23 individual with a disability.

24 (5) The process by which a person may object under
25 section 7527(e) (relating to public participation).

26 Section 2. This act shall take effect immediately.