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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1766 Session of  
2023

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INTRODUCED BY HANBIDGE, HOHENSTEIN, KINSEY, MADDEN, SANCHEZ,  
RABB, HILL-EVANS, SHUSTERMAN, N. NELSON, CERRATO AND GREEN,  
OCTOBER 17, 2023

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, OCTOBER 17, 2023

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AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in departmental powers and  
4 duties as to licensing, further providing for regulations and  
5 for violation and penalty.

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

8 Section 1. Section 1021(a) of the act of June 13, 1967  
9 (P.L.31, No.21), known as the Human Services Code, is amended by  
10 adding a paragraph to read:

11 Section 1021. Regulations.--(a) \* \* \*

12 (3) Regulations for state institutions, as defined in  
13 section 901, shall include the following provisions:

14 (i) Except as provided under subparagraph (iii), the use of  
15 seclusion for any child may not exceed four hours in any twenty-  
16 four-hour period without a written court order.

17 (ii) A person operating a facility that fails to obtain a  
18 court order under this paragraph prior to seclusion shall be  
19 subject to the violations under section 1031.

1     (iii) A seclusion that exceeds four hours shall be supported  
2 by facility documentation that describes the child's conduct  
3 requiring seclusion and efforts made by staff to end seclusion.

4     (iv) If a child is secluded, the facility shall make a  
5 mental health counselor or social worker available to the child  
6 as part of the facility's efforts to end seclusion prior to the  
7 lapse of the four-hour period.

8     Section 2. Section 1031(a) introductory paragraph of the act  
9 is amended to read:

10     Section 1031. Violation; Penalty.--(a) Any person operating  
11 a facility within this Commonwealth without a license required  
12 by this act or who violates section 1021(a)(3), shall upon  
13 conviction be sentenced as follows:

14     \* \* \*

15     Section 3. This act shall take effect in 60 days.