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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1836 Session of  
2023

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INTRODUCED BY KHAN, FLICK, PASHINSKI, DALEY, CERRATO, FLEMING,  
BRENNAN, SHUSTERMAN, FREEMAN, SCHLOSSBERG, HILL-EVANS,  
KINSEY, T. DAVIS, HOHENSTEIN, DONAHUE, PROBST, MADDEN,  
CONKLIN, BOROWSKI, HADDOCK, NEILSON, SANCHEZ, PARKER, KAZEEM,  
CEPEDA-FREYTIZ, D. WILLIAMS, GREEN AND CURRY,  
NOVEMBER 8, 2023

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REFERRED TO COMMITTEE ON TOURISM AND ECONOMIC AND RECREATIONAL  
DEVELOPMENT, NOVEMBER 8, 2023

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AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled  
2 "An act prohibiting certain practices of discrimination  
3 because of race, color, religious creed, ancestry, age or  
4 national origin by employers, employment agencies, labor  
5 organizations and others as herein defined; creating the  
6 Pennsylvania Human Relations Commission in the Governor's  
7 Office; defining its functions, powers and duties; providing  
8 for procedure and enforcement; providing for formulation of  
9 an educational program to prevent prejudice; providing for  
10 judicial review and enforcement and imposing penalties,"  
11 further providing for definitions and for unlawful  
12 discriminatory practices.

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

15 Section 1. Sections 4 and 5 of the act of October 27, 1955  
16 (P.L.744, No.222), known as the Pennsylvania Human Relations  
17 Act, are amended by adding clauses to read:

18 Section 4. Definitions.--As used in this act unless a  
19 different meaning clearly appears from the context:

20 \* \* \*

1 (bb) The term "attendant care services" includes the  
2 following:

3 (1) Services that enable an eligible individual to live in  
4 the eligible individual's home and community and to carry out  
5 the functions of daily living, self-care and mobility which  
6 shall include:

7 (i) Getting in and out of a bed, wheelchair or motor  
8 vehicle.

9 (ii) Assistance with routine bodily functions, including:

10 (A) Health maintenance activities.

11 (B) Bathing and personal hygiene.

12 (C) Dressing and grooming.

13 (D) Feeding, including preparation and cleanup.

14 (E) Critical cognitive tasks and tasks required to  
15 participate in community events, including managing  
16 transportation, handling tickets and communicating with others.

17 (2) The services provided to an individual who is eligible  
18 for a home and community-based waiver under 42 U.S.C. § 1396n(c)  
19 (relating to compliance with State plan and payment provisions).

20 (cc) The term "eligible individual" includes an individual  
21 with a disability who requires assistance to complete activities  
22 of daily living, self-care and mobility, including attendant  
23 care services.

24 (dd) The term "personal care attendant" includes an  
25 individual who provides attendant care services to an eligible  
26 individual.

27 Section 5. Unlawful Discriminatory Practices.--It shall be  
28 an unlawful discriminatory practice, unless based upon a bona  
29 fide occupational qualification, or in the case of a fraternal  
30 corporation or association, unless based upon membership in such

1 association or corporation, or except where based upon  
2 applicable security regulations established by the United States  
3 or the Commonwealth of Pennsylvania:

4 \* \* \*

5 (m) It shall be an unlawful discriminatory practice for any  
6 person being the owner, lessee, proprietor, manager,  
7 superintendent, agent or employe of a public accommodation to  
8 not provide free admission to a personal care attendant whose  
9 attendance is necessary to enable an eligible individual to  
10 attend or tour an entertainment, educational, sporting or other  
11 event open to the public which charges admission. The personal  
12 care attendant is not required to be provided a seat with a view  
13 of the event and may be directed to a seat and location in close  
14 proximity to the eligible individual where the eligible  
15 individual may be accommodated.

16 Section 2. This act shall take effect in 90 days.