
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2191 Session of
2024

INTRODUCED BY BENHAM, MADDEN, KAZEEM, HARKINS, HANBIDGE, OTTEN,
KINSEY, GIRAL, SANCHEZ, HOWARD, HILL-EVANS, KENYATTA AND
GREEN, APRIL 8, 2024

REFERRED TO COMMITTEE ON EDUCATION, APRIL 8, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, further
6 providing for vision screening and examinations.

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

9 Section 1. Section 1403.1(a), (b)(1) and (e) of the act of
10 March 10, 1949 (P.L.30, No.14), known as the Public School Code
11 of 1949, are amended to read:

12 Section 1403.1. Vision Screening and Examinations.--(a) (1)
13 Prior to admission to school for the first time, a parent or
14 legal guardian shall present to the school entity or nonpublic
15 school certification from a primary care provider or vision
16 screener that the child has passed or failed a vision screening
17 performed by a primary care provider or a vision screening
18 conducted by screeners with specific training in vision
19 screening techniques and protocols approved by the Department of

1 Health or has completed a comprehensive eye exam conducted by an
2 ophthalmologist or optometrist within the previous twelve
3 months.

4 (2) The [Advisory Health Board] Department of Health shall
5 promulgate regulations to establish vision screening standards
6 based on instrument-based vision screening technologies or
7 visual acuity testing, taking into consideration national
8 guidelines from the American Academy of Pediatrics and American
9 Association for Pediatric Ophthalmology and Strabismus.

10 (3) To facilitate the prompt implementation of this section,
11 the Department of Health shall promulgate temporary regulations.
12 The following apply:

13 (i) No later than six months after the effective date of
14 this subparagraph, the Department of Health shall transmit
15 notice of the promulgation of the temporary regulations to the
16 Legislative Reference Bureau for publication in the next
17 available issue of the Pennsylvania Bulletin.

18 (ii) The temporary regulations shall expire no later than
19 two years following the publication of the notice in accordance
20 with subparagraph (i).

21 (iii) Upon publication of the notice in accordance with
22 subparagraph (i), the Department of Health shall post the
23 temporary regulations on its publicly accessible Internet
24 website.

25 (iv) The temporary regulations shall not be subject to any
26 of the following:

27 (A) Section 612 of the act of April 9, 1929 (P.L.177,
28 No.175), known as "The Administrative Code of 1929."

29 (B) Sections 201, 202, 203, 204 and 205 of the act of July
30 31, 1968 (P.L.769, No.240), referred to as the Commonwealth

1 Documents Law.

2 (C) Sections 204(b) and 301(10) of the act of October 15,
3 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys
4 Act."

5 (D) The act of June 25, 1982 (P.L.633, No.181), known as the
6 "Regulatory Review Act."

7 (v) The authority of the Department of Health to promulgate
8 temporary regulations under this paragraph shall expire six
9 months after the effective date of this subparagraph.
10 Regulations adopted after this period shall be promulgated as
11 provided by law.

12 (b) (1) Every school year at a school entity or nonpublic
13 school, until a child completes the fifth grade and at least
14 every two years thereafter until the child graduates from the
15 twelfth grade, the child shall have a vision screening performed
16 by school health personnel or screeners with specific training
17 in vision screening techniques and protocols approved by the
18 [Advisory Health Board] Department of Health. The results of the
19 vision screening shall be supplied to the parent or legal
20 guardian of the child.

21 * * *

22 (e) This section shall apply to school years beginning after
23 the regulations are promulgated by the [Advisory Health Board]
24 Department of Health under subsection (a) (2).

25 * * *

26 Section 2. This act shall take effect in 60 days.