

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2214 Session of 2022

INTRODUCED BY KLUNK, RYAN, SMITH, THOMAS, ROZZI, SAYLOR, ZIMMERMAN, LONGIETTI, N. NELSON, R. BROWN, BONNER, MAJOR, ZABEL AND PENNYCUICK, JANUARY 10, 2022

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 27, 2022

AN ACT

1 Amending Title 67 (Public Welfare) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions, providing
3 for miscellaneous provisions; and making an editorial change.

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

6 Section 1. Part IV heading of Title 67 of the Pennsylvania
7 Consolidated Statutes is amended to read:

PART IV

[MISCELLANEOUS PROVISIONS] CHILDREN, YOUTH AND FAMILIES

10 Section 2. Part IV of Title 67 is amended by adding a
11 chapter to read:

CHAPTER 79 81

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MISCELLANEOUS PROVISIONS

14 Sec.

15 7901. Definitions.

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16 8101. (RESERVED).

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17 7902 8102. Indemnification agreements.

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1 ~~§ 7901. Definitions.~~ <--

2 ~~The following words and phrases when used in this chapter~~
3 ~~shall have the meanings given to them in this section unless the~~
4 ~~context clearly indicates otherwise:~~

5 ~~"County agency." The county children and youth social~~
6 ~~service agency exercising the power and duties provided for in~~
7 ~~section 405 of the act of June 24, 1937 (P.L.2017, No.396),~~
8 ~~known as the County Institution District Law, or its successor,~~
9 ~~and supervised by the department under Article IX of the act of~~
10 ~~June 13, 1967 (P.L.31, No.21), known as the Human Services Code.~~

11 ~~"Service provider contract." A contract, agreement or~~
12 ~~understanding regarding the provision of services subject to~~
13 ~~regulation under 55 Pa. Code Pt. V (relating to children, youth~~
14 ~~and families manual).~~

15 § 8101. (RESERVED). <--

16 ~~§ 7902 8102. Indemnification agreements.~~ <--

17 ~~(A) GENERAL RULE.--A provision in a service provider~~ <--
18 ~~contract in which a county agency or municipal government entity~~
19 ~~is indemnified, held harmless or insured for damages, claims,~~
20 ~~losses or expenses arising from any injury, including, but not~~
21 ~~limited to, bodily injury, mental anguish, property damage or~~
22 ~~economic or noneconomic damages or loss caused by or resulting~~
23 ~~from the county agency's or municipal government entity's~~
24 ~~negligence, in whole or in part, shall be void as against public~~
25 ~~policy and unenforceable.~~

26 ~~(B) DEFINITIONS.--FOR THE PURPOSES OF THIS SECTION, THE TERM~~ <--
27 ~~"SERVICE PROVIDER CONTRACT" SHALL MEAN A CONTRACT, AGREEMENT OR~~
28 ~~UNDERSTANDING REGARDING THE PROVISION OF SERVICES SUBJECT TO~~
29 ~~REGULATION UNDER 55 PA. CODE PT. V (RELATING TO CHILDREN, YOUTH~~
30 ~~AND FAMILIES MANUAL).~~

1 Section 3. The addition of 67 Pa.C.S. § ~~7902~~ 8102 shall <--
2 apply to service provider contracts entered into on or after the
3 effective date of this section.

4 Section 4. This act shall take effect in 90 days.